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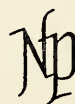


POLITICAL THOUGHT: MEN AND IDEAS

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# Political Thought:

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 *Westminster, Maryland*

# MEN AND IDEAS

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BY JOHN A. ABBO

*The Catholic University of America*

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## Preface

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THIS volume attempts to present, through a survey of the great political books from antiquity to the present day, the essential landmarks in the development of Western political thought.

Political books are all those that deal with the state: its origin, its aims, its organization, its power, its limits, its relations with men as individuals and with other groups and societies, including the family and the Church.

Of course, not all the significant political books that have been written are here discussed. It was the present writer's intent to analyze only the select few political works that might be termed "great"—in the sense that they left an extraordinary imprint on history either by contributing notably to the making of the Western mind and state or by articulating contemporary ideas, feelings, or issues at the right moment in a faithful, fitting, yet personal way. The term "great" in this context is not necessarily indicative of either a positive judgment or intrinsic greatness. In fact, some "great" books will be found wanting in soundness and truth, so much so that the writer feels it his duty to warn that several of them have been placed on the *Index of Forbidden Books* (e.g., Hobbes' *Leviathan*, Montesquieu's *The Spirit of the Laws*, Rousseau's *Social Contract*). Other works (Marx's and Lenin's, for example), while not specifically on the *Index*, are nonetheless condemned by the Church and must be approached with caution by all concerned, especially by the young and immature reader.

While attempting to provide a summary of the most important theories expounded in the great political books, the present writer also attempts to appraise them in the light of traditional Christian thinking. Accordingly, constructive criticism is here and there advanced as the occasion warrants. An Appendix, furthermore, offers in clear, short articles the most important Catholic principles of politics. Against these principles the reader is invited to check and test for himself whatever he finds erroneous, obscure, or ambiguous in the works of the philosophers discussed.

The marked insistence on biographical details is not without its purpose. A certain knowledge of the life and times of an author undoubtedly makes for a better understanding of his work and thought.

Although the writer is concerned primarily with highlighting great political figures, books, and movements, this volume is not without a chain of continuity. Taken together, the introductory chapters to each epoch—precisely chapters 1, 5, 7, 12, 16—trace a continuous line in the history of political thought through the centuries.

Making spare but select use of the vast and rich bibliographies on the subject matter in the English language, the writer includes titles, both in footnotes and at the end of each chapter, for further consultation and study. Titles marked with an asterisk are paper-bound editions; and when they are reprints, data concerning their original hardbound edition are given in parentheses.

*Political Thought: Men and Ideas* is intended as an introduction to the study of the evolution and growth of the principal issues in the history of political philosophy, and as such it should prove especially valuable in the colleges and universities. It is hoped, however, that all adult readers in any way interested in the fascinating subject of politics will find it useful.

The volume is, in essence, an outgrowth of lectures given over a happy decade (1947-1958) at Seton Hall University, South Orange, New Jersey. The author is very pleased to dedicate it to his former students and associates there.

JOHN A. ABBO

*The Catholic University of America*  
Washington, D. C.

## Acknowledgments

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PART ONE: *Ancient Greece and Rome*

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## CHAPTER I • *Introductory*

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### GREEKS AND ROMANS

THE original Greeks were a nomadic, pastoral people of Indo-European origin. From about 2000 to 1100 B.C., they left the grasslands of southeastern Europe, pushed southward in successive bands (Achaeans, Dorians, Ionians, Aeolians), and conquered the Aegean world: the Greek peninsula, the shores of Asia Minor and southern Europe, and the immortal islands whose very names are music. Gradually, through intermarriage, the primitive Greeks and the Aegeans became one people—the new Greeks. Having adopted a city-state type of government, they were first ruled by kings; eventually the kings were for the most part replaced by nobles; then the nobles were overthrown and tyrants, men of no royal ancestry, seized control. But the restless and freedom-loving Greeks soon turned against the tyrants, even the good and the able ones, and established a new form of government: the rule of the people (not, however, a democracy in the modern sense).<sup>1</sup> Unfortunately, the Greeks could not unite. Their indi-

<sup>1</sup> "The Greeks had the form of democracy—that is to say, the people undertook the work of government. Their assembly constituted the sovereign body, from which there was no further reference; their *Dikasteria* were also courts of final reference, from which there was likewise no appeal whatever. But they did not have the substance of sound democracy. There was no protection for the minority, much less for the individual.

vidualism was so strong as to keep them apart save in the face of extreme danger. Thus, they repulsed the Persian invaders at Marathon (490 B.C.), Salamis (480 B.C.), and Plataea (479 B.C.) only to resume their fratricidal quarrels. Finally, weak and divided, they were defeated by the Macedonians and lost their independence (338 B.C.). In 281 B.C., Greece regained a precarious freedom. Even this was definitively lost when she was degraded to the status of a Roman province in 146 B.C.

The history of the Romans (originally a people of Indo-European extraction, who had come to Italy and fused with her peoples) may be conveniently divided into three periods: (1) *From 753 to 509 B.C.* The primitive religious, social, political, and military institutions of Rome were established under a constitutional elective monarchy. Tradition mentions seven kings. The last, Tarquin, who had installed a despotic regime, was exiled. (2) *From 509 to 27 B.C.* This was the period of the Republic. Patricians and plebeians were reconciled. Rome moved out of Latium and conquered Italy. Then, as a result of victorious wars outside Italy, Rome became mistress of the Mediterranean world. But beginning with 133 B.C., Rome was torn by civil wars and it gradually became evident that the old city-state republican system was to give way to a new form of government. (3) *From 27 B.C. to A.D. 476.* During this period, the Empire was established and prospered under Octavian Augustus. It passed through many violent crises and revolutions, was reorganized by Diocletian, and then started to decline until it finally came to an end in the West with the removal of the last emperor. It was just about at the beginning of this last period, while the world was united under the *pax romana*, that Christ was born in Bethlehem of Palestine.

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The inalienable rights of an individual as defining and limiting the functions of the State were entirely unknown to them. There was no power or law for making assemblies accountable for their decisions, nor was there any process of review. . . . To every man his own; but the meaning of the term 'his own' was that the State which was the author of rights and duties could assure the citizen of certain determined barriers against the arbitrary dealings of his neighbor, but he had no rights against the State; which in its own actions and in its definition of rights remained unchecked by any consideration of natural rights" (J. F. Costanzo, "The Graeco-Roman Politeia—The City of Men," in *Fordham Law Review*, XX [June, 1951], 131).

## HOMER, HESIOD, SOLON, HERODOTUS

Ancient Greece, which gave the Western world philosophy and so much else that pertains to man's cultural domain,<sup>2</sup> also defined and brought into sharp focus man's political problem. This it often attempted to solve on both the practical and the speculative level. One cannot fail to notice the contrast between the heights to which Greek political thought soared and the mediocrity of Greek political life in the concrete. It may well be that the limitations and deficiencies of the historical polis provoked discussion and investigation on the part of the philosophers and spurred them to offer new plans and propose new solutions. In any case, a study of Greek political thought must never lose sight of the parallel study of Greek institutions, for in ancient Greece speculative thinking and political reality were always closely related and often interlocked as cause and effect.

The earliest evidences of Greek interest in ethical and political matters appear in Homer, Hesiod, Solon, and Herodotus.

Homer (between the tenth and the eighth century B.C.) portrays the primitive polis: its physical make-up (the acropolis, where king and government resided, and the surrounding territory inhabited by the people); its social composition (aristocrats, professional men, laborers); its spiritual forces of cohesion (the aristocrats' concept of honor and their heroic courage in war; the king's power, sovereign yet limited by divine law and tempered by the *boulé*, or council of "aristoi").

Hesiod, in the eighth century B.C., broke away from Homer's grandiose morality. No admirer of aristocrats, he anticipated the social struggle soon almost everywhere to replace monarchy with oligarchic rule. His poems vividly contrast the arrogance and venality of the nobles with the solid virtues of the rural class. They appeal to the gods, they praise justice (where there is justice there is peace and harmony), they exalt human labor (work is a

<sup>2</sup> But man's greatest debt, for the moral and religious concepts that make up his *spiritual* world, is to the Judaeo-Christian tradition. From it he received two ideas (utterly unknown to the Greeks) that dwarf all others, for they furnish the only key to reality: the idea of *creation ex nihilo* and the idea of *personality* (both man's and God's).

form of justice: an idle man is by this very fact unjust and harmful to society).

Solon, the great Athenian lawgiver and one of the Seven Sages of Greece, curbed the insolence of the wealthy and alleviated the misery of the small landowners by his reform (594 B.C.). He warned his fellow citizens of the only way to end their fratricidal conflicts. What divine planning did with the physical universe, he said to them, law does with the state: one changed chaos into cosmos, the other changes confusion and war into order and peace. To break a law is to undermine the common good and to invite punishment of some sort, sooner or later, upon both offender and community.

Herodotus (480-425 B.C.), a friend of Pericles,<sup>3</sup> wrote an account of the Greco-Persian wars (500-479 B.C.). The first to ascertain, through research, investigation, and reflection, the truth of the events he recorded, he merited the title Father of History. But he pessimistically viewed history as a fatal, ever-recurring cycle ruled implacably by divine nemesis: men are envied by the gods who humble them whenever they think or rise too high. To Herodotus we owe the first theory, or at least the first classification, of constitutions. Following the assassination of the usurper Smerdis, three victorious conspirators (among them Darius, the future king) discuss the best constitution for Persia. One favors democracy, the other oligarchy, the third (Darius) monarchy. Arguments are exchanged for and against each form. And thus began the great controversy that has continued through the centuries.

#### HERACLITUS, PYTHAGOREANS, SOPHISTS

Greek philosophers awakened to social and political issues with the beginning of the fifth century B.C.

About 500 B.C., Heraclitus proclaimed eternal strife the fundamental principle of politics and history: "We must know that war

<sup>3</sup> Pericles, born in 490 B.C., was the most prominent figure in Athens from 461 to 431. A military leader, orator, and statesman, his name and work are indissolubly bound to the Golden Age of Athens. He died in a plague in 429 B.C. Thucydides, in his *History of the Peloponnesian War* (II, 37-41), relates Pericles' famous funeral oration and his immortal words in praise of Athenian democracy.



is common to all and strife is justice, and that all things come into being and pass away through strife.”<sup>4</sup>

The Pythagoreans<sup>5</sup> probed deeply into the concepts of law and justice, the two elements that could, according to them, prevent or end public agitation and quarrels. For the Pythagoreans, especially for Archytas of Tarentum (400-365 B.C.), law is written (the law of the polis) and unwritten (the law implanted by the Creator in man’s conscience); justice consists in the equality of all (king included) before the law as well as in the community of goods.

The Sophists,<sup>6</sup> the true *sophoi* or wise men as they wished to be called, suited the democratic mood of the time (particularly in Athens) by offering themselves as teachers (for payment) to all who sought distinction in public life. Ambitious young men, desirous of entering the political arena, flocked to them to learn how to argue, discuss, persuade. But as a rule the Sophists were interested only in arguing for the sake of arguing, not caring whether their point was true or false. Moreover, their “humanistic” boast, “man is the measure of all things,” coupled with their total skepticism “as to the place of man in the scheme of things,” was not at all conducive to clear and satisfying conclusions. It had to end in confusion and contradiction. In politics, they admitted two directly opposite kinds of justice: justice according to nature and justice according to law. The former justifies the fulfillment of passion, the possession of every possible means of gratification, war and conquest, the imposition of one’s will, the elimination of one’s enemies, the subjection of the weak to the strong. Might, not right, is the basis of this justice: might of whatever elements it consists, might that acquires, expands, maintains power. This was the justice that would be proposed again centuries later for

<sup>4</sup> Quoted in John Burnet’s *Early Greek Philosophy*, 4th ed. (London: Adam and Charles Black, 1930), p. 137.

<sup>5</sup> The Pythagoreans, also adept at mathematics and geometry, were followers of Pythagoras, the philosopher who about 530 B.C. went from his native Samos to southern Italy and there founded a society or school that promoted a “way of life”: political, religious, philosophical.

<sup>6</sup> Two prominent Sophists were Protagoras of Abdera (480-410 B.C.) and Gorgias of Leontini in Sicily (who came to Athens in 427 and died in 375). The latter is known for his threefold assertion: What is, is not; if anything is, it cannot be known; if anything is known, it cannot be expressed in speech.

Machiavelli's prince and Nietzsche's superman. Justice according to law on the other hand was for the Sophist founded on the conventional and arbitrary rules dictated by the weak and the fearful to restrain the strong and the brave. The Sophist mentality was decidedly antitraditional, impatient of crystallized systems and privileged conditions. Opposed in principle to the *status quo*, it represented an extreme position and had no respect whatsoever for moral values. Absurdly predicated on the denial both of objective truth and of a reality beyond and above the world of sense-appearances, it was not however without its good effects. For it opened critical discussion not only in the philosophical realm (on such questions as the nature and validity of human knowledge) but also in the political field. Here it prepared and encouraged the break from institutions and laws that had become obsolete and even detrimental.

#### SOCRATES

Socrates (469-399 B.C.), the first to "bring philosophy down from the heavens to earth" (Cicero), attempted to determine the essence of each thing, that is, what it is: and this by means of inductive reasoning, through analysis and analogy (Xenophon); he was also the first to raise the problem of universal definitions (Aristotle). Insisting that "the soul is pregnant with truth," Socrates described his mission as "that of a midwife, to bring other men's thoughts to birth." Against the Sophists, Socrates upheld that men can know things with truth and certainty, and that truth, intellectual and moral, once discovered, must be applied to the practical, everyday problems of man individually or collectively considered. Socrates believed in both the unwritten law (the natural law, which man comes to know through right reasoning) and the positive law (the law of the state). Between the two, he insisted, there ought not to be the slightest contradiction. For the positive law, while changing from place to place and from time to time, is to be based on natural law, itself unchangeable. If the laws of the state depart from the rules of nature, such laws are unreasonable and unjust and therefore not binding on the citizens. Socrates entertained a high esteem for the state and the role of political leaders. For him the purpose of political activity was pre-eminently the intellectual and spiritual



formation of the individual. His first aim, perhaps, was to create a science of government and to form a competent class of political leaders able to impart knowledge to their subjects. Hence the absolute necessity of education. What makes a statesman, he argued, is not hereditary right or the vote of a majority: it is wisdom, and wisdom comes of education.

As a philosopher and as a man, Socrates remained loyal to his central doctrines. He never tired of learning and helping others to learn: a typical portrayal has him standing in the market place, buttonholing his fellow citizens, asking "innocent" questions, challenging the broad statements in their "innocent" replies, inviting a sound conclusion—all for the purpose of clarifying muddled thinking. When he saw democracy degenerate into demagoguery, Socrates opposed it; he showed his utter contempt for the Athenian method of drawing lots for public offices ("You cannot make an architect this way," he was wont to remark; "how can you thus create a statesman?"). Likewise, he condemned tyranny and took a firm stand on other social and religious issues, though his nonconformist attitude cost him the favor of the men in power. Condemned "for not believing in the gods in which the city believes" and for "corrupting" Athenian youth with his teachings, Socrates refused the opportunity offered him to escape capital punishment and drank the hemlock as a final protest in behalf of honesty and truth.<sup>7</sup>

## PLATO AND ARISTOTLE

Socrates' search for objective truth was continued by his disciple and friend Plato. It is impossible adequately to summarize Plato's doctrine. It has been rightly said that Platonism, rather than a system lending itself to a final characterization, is "a life that seeks itself in the search for truth": a *skepsis*, or quest, that, while reaching essential certainties and meridian illuminations, unfailingly discovers new problems to solve, new zones to penetrate, new summits to attain. If there was one thing Plato

<sup>7</sup> For a moving account of Socrates' last day in prison and his death, see the *Phaedo* in *Great Dialogues of Plato*, translated by W. H. D. Rouse (New York: Mentor Books, 1956), pp. 460-521. Socrates left no writings. His doctrine is known especially from Xenophon's *Memorabilia* and Plato's dialogues.

learned from Socrates, it was a marked dislike for intellectual smugness and complacency. For him as for his teacher, the search could never end, for the field of knowledge is inexhaustible. As to politics in particular, Plato aimed at translating the new concepts of reality and man and life into a complete reform through the redemption of political life. His attempt, of lasting validity, stirs us to wonder even today. But his imaginative streak led him to speculative flights so wide and fancy as to carry him, according to some, far from this world and its everyday problems.

With Aristotle, Plato's disciple for about twenty years, political thought acquires a systematic character and comes down to earth where it belongs. Aristotle does know how to reach, beyond the visible, the absolute principle itself (the thought of thought, God, the thought that thinks itself eternally); but unlike Plato who flies, Aristotle climbs to the summit. He is unable to grasp the principle without first considering the fact. This is particularly evident in Aristotle's treatment of moral and political problems. Both his ethics and politics are permeated by a healthy awareness of and constant respect for reality. This world and man's place in it are Aristotle's concern. Here lies the most fundamental difference between him and Plato.

Great as they were and immense as is our debt of gratitude to them, Plato and Aristotle (like those who claimed to be their successors, the Academians and the Peripatetics<sup>8</sup>) departed from Socrates' basic teaching on several important questions. Thus Plato assigns an all-embracing role to the state, considers only an elect few worthy of attention, and denies practically all validity to family life and private property. As for Aristotle, it is enough to mention his doctrine of slavery, his identification of ethics with politics, his failure to see men and states beyond the horizons of the Greek polis. Others were to come who would prove that man is more than a citizen, that there are in him values existing prior to and independently of the state, that even a non-citizen is a man endowed with certain rights, that the state is not all, that mankind

<sup>8</sup> The Academians were philosophers who belonged to the school (Academy) founded by Plato. The Peripatetics were philosophers who belonged to the Lyceum or Peripatetic school founded by Aristotle. Later the two schools and the Stoic school merged in the University of Athens. When this university was closed in A.D. 529 by order of Emperor Justinian, the cycle of ancient culture came to an end.

is a single family and each man a "citizen of the world." These were doctrines fully developed by the Stoic philosophers and implemented, partially at least, by Alexander the Great and the Romans. But they also grew out of various doctrines favoring political indifference (Epicurean school) or outright cosmopolitanism (Cynics and Cyrenaics <sup>9</sup>).

### THE EPICUREANS

Epicurus (340-270 B.C.) and his followers wanted no part in social and political activities. A philosopher *engagé* was for them an unhappy philosopher. They gave priority to enjoyment and pleasure (resulting from the sum total of all delights that keep the mind at peace), which they sought in a quiet, hidden life, untouched by the problems and struggles of the common people. The Epicurean attitude of political indifference helped weaken the prejudices bound up with the institutions of the old polis and facilitated for many the acceptance of Stoic principles.<sup>10</sup>

### THE STOICS

Zeno of Citium on the isle of Cyprus (334-261 B.C.) opened his school in Athens, in the *Stoa Poikile* or Painters' Porch (whence the name "Stoic"). True to his principles, he died a suicide. There are three periods in the Stoic school: the Old Stoa, whose chief representatives were Zeno, Cleanthes of Assos in Troas (300-232 B.C.), and Chrysippus of Soli in Cilicia (282-202 B.C.);

<sup>9</sup> The Cynic school, made famous by Diogenes, was founded by Antisthenes. He tried to combine the ethical doctrine of Socrates with the theory of Gorgias the Sophist. Both had been his teachers. For the Cynics, absolute indifference to things external (including honor, riches, marriage, government) was the essence of virtue. The Cyrenaic school was founded in Cyrene by Aristippus, another pupil of Socrates. The hedonism it preached (man must seek his last end in the refinement of sensual pleasure) had a measure of influence on Epicurus and his school.

<sup>10</sup> Both Epicureans and Stoics (particularly those of the Old Stoa) believed in some sort of cosmopolitanism. But the former took selfish refuge in the concept of mankind to free themselves of duties toward their agonized city. The Stoics, on the contrary, courageously and confidently accepted the humanitarian ideal lest with the citizen man also be lost. The Epicurean is humanitarian out of self-interest, the Stoic out of duty.

the Middle Stoa, whose most prominent men were Panaetius of Rhodes (about 180-110 B.C.) and Posidonius of Apamea in Syria (135-151 B.C.); the Third Stoa, which flourished in Rome during the Empire and was made famous by Seneca, Epictetus, and Marcus Aurelius.<sup>11</sup>

Stoic politics is expressed in its most rigid and uncompromising terms by Zeno and his immediate successors, in its mildest and more reasonable terms by the Roman Stoics and, especially, the eclectic Cicero, who greatly humanized Stoic social thought and passed it to the Roman jurists and the Fathers of the early Church.

In his *Republic*, Zeno sees mankind as a single family, but a family divided into two classes: the valiant and the inept, the wise and the foolish. No amount of education will make the foolish wise. Even friendship is possible only between the members of each class. This, and not the unjust separation of free and slave, or Greek and barbarian, is the true and only division of mankind. Zeno wants the narrow city-state of the Greeks replaced by a cosmopolitan republic: one world, one society, one state, all men together like one flock pasturing on the same meadow. But in this

<sup>11</sup> Lucius Annaeus Seneca (3 B.C.—A.D. 65), born in Cordoba, Spain, studied Stoic philosophy at Rome and soon became an eminent lawyer. He was the teacher of Nero, at whose order he died a suicide. His writings (letters and essays of practical ethics on such topics as *Wrath*, *The Brevity of Life*, *Mercy*) may be considered "the highest and the completest statement of the Stoic views regarding the state in the early imperial epoch" (C. H. McIlwain, *The Growth of Political Thought in the West* [New York: Macmillan, 1932], p. 119).

Epictetus (about A.D. 50-117), a Phrygian slave, was brought to Rome at an early age. His master, Epaphroditus, himself a freedman at Nero's court, allowed him to study philosophy, and then freed him, but Epictetus chose to live as a poor man, in conformity with his belief. For him, man's outlook should be cosmopolitan: men, whoever and wherever they are, have similar capacities and similar problems; therefore they should be viewed as beings essentially equal. Epictetus' teachings were put in writing (*Discourses*, *Life*, *Manual*) by one of his disciples.

Marcus Aurelius (A.D. 121-180), Roman Emperor from 161 to 180, wrote in a mitigated Stoic vein. His *Meditations* (in Greek, the language used even in Rome by the cultivated classes) is a collection of essays on how to preserve peace of mind through belief in a world ordered by God's wisdom and preserved by God's providence and how not to fear death. Marcus Aurelius recommends resignation to God's will and love for humanity. Although as emperor he opposed Christianity, his writings are more Christian than pagan in character.



republic only the valiant share in political life, only the wise become rulers, whether kings, priests, or legislators. The law of Zeno's *Republic* is not a law based on social conventions or the outcome of social progress. It is the *ius gentium*, the ethical law founded on the idea of justice and the dignity of the human person common to all peoples everywhere.

Two traits were generally characteristic of the philosophers of the Old Stoa. The first was their intellectual belief in universality. They believed in it enough to deny validity to any community less wide than the whole world. But their belief in individualism (the second trait, the more important because of its practicality) made them lean toward "isolationism" in the broadest sense of the term. Yes, they were "citizens of the world"; yet they concentrated solely on their personal lives. The philosophers of the Old Stoa justified this attitude on the ground that the wise man's first duty was to be himself; by being himself, they reasoned, man is conformed to the rhythm and order of universal life. With the Second and the Third Stoa, Stoic doctrine was notably softened. Apathy and indifference (two other characteristics of the Old Stoa) were tempered to a more serene and balanced attitude: external goods were no longer despised but subordinated to the pursuit of wisdom. Similarly, stern isolation and proud aloofness were replaced by positive intervention in social life (though limited, for some, to the contribution of their example of honesty, temperance, and endurance). Finally, in the Third Stoa, the humanitarian bent, which made Stoicism the only philosophy possible in Rome at a time when the City was busy gathering all races under its political control, did not destroy the inferior associations. Belief in man's brotherhood (*homo res sacra homini*, warned Seneca) and in a law common to all became compatible with the recognition of one's own state and the existence and fulfillment of concrete duties to it. Through this new Stoicism, two concepts until then seemingly antithetical—the idea of the state and the theory of man's unity—were admirably reconciled.

#### POLYBIUS, LIVY, TACITUS

In any summary of Rome's contribution to the development of political thought, some mention must be made of the work of three historians: Polybius, Livy, and Tacitus.

Polybius (204-123 B.C.), a Greek brought to Rome as a hostage when Macedonia and Greece were made Roman provinces, quickly became an admiring friend of the conquerors and later the first great historian of the rise of Rome and the consolidation of her power. His *Histories*, written in Greek, is truly the first international history, for his account of Rome's wars and victories in the Mediterranean, in Africa, and in Greece necessarily brings the lives and events of many another people into the Roman universality. Of special political interest is Polybius' theory of constitutions. He restates the traditional distinction of the forms of government to prove they are subject to corruption according to a cyclical process (since called Polybius' *anaciclosis*). This is what happens: monarchy degenerates into tyranny, aristocracy into oligarchy, democracy into ochlocracy or mob rule. Because these constitutions change, are transformed, and return again to their original stage through natural and inevitable evolution, "if a man have a clear grasp of these principles . . . he will rarely be entirely mistaken as to the stages of growth or decay at which [a particular constitution] has arrived, or as to the point at which it will undergo some revolutionary change."<sup>12</sup> Polybius concludes that simple constitutions do eventually fail. Then he turns to the one he considers best: the mixed constitution—as he sees it realized and exemplified in Rome—a constitution he masterfully describes and analyzes. Its validity and indestructibility, he asserts, consist not so much in the mingling or fusion of political principles (such as characterized Aristotle's *polity*, wherein the state was under the supremacy of the middle class) as in the mutual checks and balances within the three organs (consuls, senate, people) among which the highest governmental power is distributed.

Livy (Titus Livius, 59 B.C.—A.D. 17) wrote the *Annals of the Roman People*, a work in 142 books about a third of which is extant. In the events of the past, that is, in the Roman experience from Romulus to Augustus, he seeks lessons and warnings for the present. He judges governments not by their form but by their actual behavior, moral and political: that government or state is good wherein liberty and justice flourish—and it might well be a monarchy; that government is bad wherein pride makes the rulers

<sup>12</sup> Polybius' *Histories*, translated by Evelyn S. Shuckburgh (London and New York: Macmillan, 1889), Vol. I, Book VI, § 9.

unjust and despotic—and this is possible even in a republic. Livy finds the secret of Rome's political health and ascendancy in the influence exerted by her great men. They were able to dominate events and to maintain the proper equilibrium between social classes first in Rome and then in the whole Roman world (always excluding racist prejudice). They practiced the typical Roman virtues: attachment to the state through obedience to law in peace and courage in war (*virtus*); attachment to family and religion (*pietas*); determination and perseverance (*constantia*); moderation, temperance and, in general, self-restraint (*gravitas*). On the other hand, he attributes the beginning of Rome's decadence not to enemy strength but to self-perversion through immorality, idleness, and extravagance.

Cornelius Tacitus (about A.D. 55-117), author of *Germania* and a history of the reigns of several emperors (Galba to Domitian), centers his political theory in the *princeps*. Though still in love with the Republic of old and its traditional qualities and its great men, and while utterly disgusted with the arbitrariness and irresponsibility of imperial Rome, he realized that the Republic had to give way to the Empire if Rome was to be saved. In the face of bleak reality, he hoped for better days; these would come when, at home, the principate would be reconciled with liberty and, abroad, the Roman armies would march again and conquer. Tacitus is against tyranny but he is also against idle peace (*immota pax*).

## ROMAN LAW

Rome's greatest contribution to political thought is to be sought in her organizational and administrative genius and in her system of law and jurisprudence. These are sources of political thought as genuine and valuable as political theory. In Greece, speculative investigation of political issues was always superior to political reality: there the great philosophers never saw the realization of their ideals. Rome, on the other hand, through her statesmen and arms and laws and institutions, actually created an ethical and political reality to which no other in history is comparable. This she did long before her philosophers attempted a political formulation and discussion. What are admirable in Roman law are its characteristics. Clear, peremptory, reasonable, it

was able to adapt, without losing its identity and compactness, to ever changing national, social, and economic conditions; it was a law so vital and vigorous as to grow, over a period of about a thousand years, from municipal law into the law of a world-wide empire, while retaining, in the process, its basic principles and balanced harmony. Undoubtedly a law with such exacting features could not be the result of a casual amalgam of day-by-day rules and judicial decisions. At its roots was a profound wisdom, an unwritten body of ideas expressing itself logically not in formal theories but in a legal system that was to survive the decay and disintegration of the Empire and that was, with the changes inserted by Christianity, to pass on to the Middle Ages and then to the modern world. Today Roman law still lives in many legal principles of the Church (the Code of Canon Law) and still holds sway over many nations in Europe, America, Africa, and Asia.

The major principles of the Roman legal system, finally codified by Justinian in his *Corpus Iuris Civilis*,<sup>13</sup> are: the existence of a universal law, the rule of right reason, binding upon all men; the necessity that, to be just, all other laws conform to it; the essential premise that the state is a partnership, a sort of compact, a community of men associated in consent to law; the emerging concept of individual rights; the division of law into *ius publicum* (the law that regards the political constitution and organization of the state) and *ius privatum* (the law that concerns the relations between individuals); and, in turn, the division of private law into *ius civile* (the law proper to the citizens of a particular state—as a rule, the law proper to the Roman people), *ius gentium* (the law the Roman people have in common with the whole human race), and *ius naturale* (the law of reason, derived from man's rational nature: what is invariably fair and good);<sup>14</sup> the

<sup>13</sup> The *Corpus Iuris Civilis* comprises four collections or compilations: *Digesta* or *Pandectae* (533), fragments of the works of the principal Roman jurists, in fifty books; *Codex* (second edition, 534), the imperial laws or constitutions, in twelve books; *Institutiones* (533), a manual for the study of the law, in four books; *Novellae*, the new decrees of Justinian from 535 to 565.

<sup>14</sup> In the second century A.D., the majority of Roman jurists seemed to identify the law of nature with the law of nations; but in the third century the two laws were regarded as actually differing: the law of nations as originating in the course of history and the *ius naturale* with human



definition of law as "what the *populus* [all citizens] command and have established" and consequently the principle that the source of all legal authority is the *populus*. This last principle (of incalculable importance for the subsequent development of constitutional theory and practice) must be considered central to the Roman constitution. It persisted to the very end. The *Lex Regia de imperio*, by which the Roman people granted the *princeps* the whole sovereign authority of the same Roman people, remained forever a proof that the power of the emperor derived from the people. The *princeps*, it is true, became the font of law, but it was the people who, by law, had bestowed upon him the *imperium* and the *potestas*. In a sense, the first if faint origins of the modern concept of democracy are here: sovereignty belongs to the (Roman) people and is exercised by the (Roman) people themselves or by those (the emperors) to whom the (Roman) people delegated their power.

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nature itself. The difference was accentuated under Christianity. Then, for instance, slavery was said to be an institution of the *ius gentium* (in force everywhere) though certainly against the *ius naturale* (against nature).

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## CHAPTER II • *Plato*

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### LIFE

PLATO<sup>1</sup> was born in 428 or 427 B.C. to one of the most distinguished Athenian families. On his father's side he was related to Codrus, the last of the Athenian kings, and through his mother to Solon. During the first years of his life, Athens was still the great, splendid city of Pericles, and in his youth he must have heard Sophocles, Euripides, Aristophanes, Thucydides. Plato saw the city enriched with the Propylaea, the Odeum, the Erechtheum; but he was soon to witness also the disastrous effects of the Peloponnesian War and the precipitate decline of an Athens morally corrupt, ravaged by internal strife, ruled by unscrupulous demagogues and tyrants. His attitude toward Athenian democracy became increasingly unfavorable while his admiration turned to authoritarian and disciplined Sparta and its legislation. Toward the end of his life, Plato could not have failed to observe and ponder upon the growing power of Philip of Macedon.

Plato's education, like that of all wealthy Athenians, comprised literature, music, painting, and dancing. He was also trained in athletics, so distinguishing himself that he took an award for wres-

<sup>1</sup> His name was Aristocles but he became known as Plato, which some say was the nickname given him by an athletics teacher because of his broad shoulders.

ting in the Isthmian games—a Panhellenic contest held periodically at Corinth to honor Poseidon.

As has happened to others and will continue to happen, Plato did not immediately recognize his true vocation. He gave himself at first to poetry, writing lyrics and tragedies. But when a young man of twenty, Plato met Socrates and, as if suddenly enlightened, he burned his poems, became Socrates' disciple, and devoted himself completely to philosophy, remaining however always a poet at heart.

Plato spent eight years with his teacher (407-399), but he was not a man of a single book or a single school. He studied other systems and became acquainted with other philosophers, among them Cratylus, a disciple of Heraclitus.

The harsh, bitter reality of Socrates' tragic end had a profound and lasting influence on Plato. He felt nothing short of contempt for Athenian politics. Perhaps then for the first time he despaired of ever seeing the concrete realization of the rational and just state he had envisioned in his conversations with his teacher and friends.

After Socrates' death, Plato left his native city and traveled extensively in Egypt, Sicily, and southern Italy. In Egypt he was exposed to one of the world's most ancient cultures, and at Tarentum he befriended the Pythagorean Archytas, a staunch advocate of the aristocratic form of government. These contacts were of no little importance for the maturation of Plato's philosophy, his political philosophy included.

Plato returned to Athens about the year 387. There, in the olive grove of a park dedicated to the hero Academus, Plato founded his Academy—a sort of school for philosophical and political training, employing both expositive and dialogic methods. For forty years Plato's weak voice could be heard propounding the great problems of life, ethics, and art. Today, reading the dialogues in which he compiled his lessons, the world still marvels at the depths of knowledge, at the prodigious, almost angelic, intuitions.

Plato twice interrupted his teaching to go to Sicily. He had been there a first time, probably in 388, during the reign of Dionysius the Elder, but then his mission had failed miserably. Turned over to Pollio, the Spartan ambassador, to be sold as a slave, he had been taken to Aegina, where he was soon released for a ran-

som equivalent to little more than 300 dollars. On his second (367) and third (361) visits to Syracuse (to the court of Dionysius the Younger), Plato's friend and disciple Dion continued to encourage him actually to establish in Sicily a true form of government. Nothing, however, could be accomplished. Dion fell into the tyrant's disfavor and later met a violent death. Plato's life too was in danger, but the Pythagoreans of Tarentum strongly pleaded his cause and he was permitted to leave the sunny and beautiful isle, first a source of hope, then of sorrow and delusion. Back in Athens, Plato resumed the speculative work to which he had given himself so completely ever since he met his unforgettable teacher. He worked until his last day. Death claimed him in his eighty-first year (347 B.C.) while he—who had never married—was a guest at a wedding feast.

### POLITICAL WRITINGS

Among the numerous works (more than thirty) generally attributed to Plato, three are devoted specifically to political philosophy: the *Republic*, the *Politicus* (or *Statesman*), and the *Laws*. If there is some question as to the authenticity of the *Politicus* (which in all probability was written by Plato), there can be no reasonable doubt about the other two. The *Republic* is a triumphant expression of his full intellectual maturity. The *Politicus* belongs to a somewhat later date. The *Laws* was written in his old age after his last Sicilian trip.

### THE REPUBLIC

In the *Republic*, Socrates, the narrator, presents the blueprint for Plato's ideal city, founded totally on justice and governed by true aristocrats, that is, by philosopher-kings—"the best" in the truest sense of the term.

To avoid any possible ambiguity, it must be immediately stated that Plato's city is ideal not in the sense of a chimeric day-dream but in the sense of a perfect model that, though it may never be realized on earth, is nonetheless true and real—as an idea is true and real: the idea, for instance, of a triangle and a square, which is so true and real that men are able to draw them even though no man-made geometric figure is *the* triangle or *the* square.



Plato compares justice in the individual to justice in the perfect state.<sup>2</sup> In both individual and state, each component must play its true role if unity is to be achieved. In the former, the lower element (the "appetitive," seeking the gratification of irrational desires, the enjoyment of the senses) and the intermediate element (the "spirited" or volitional, inclined to dare and fight for what is right against what is wrong) must remain subservient in their activities to the highest element (reason and its considered judgment). In the ideal city the identical elements, in identical order, constitute the national or collective soul: *wisdom* (symbolized by gold) is loyally served by *courage* (silver) and cheerfully obeyed by *appetite* (brass).

If this hierarchy of classes is disregarded, the soul of the city becomes diseased and unbalanced, political life degenerates, and deterioration progresses steadily. With admirable insight into the dynamics of political corruption, Plato traces the forms of government through successive stages once the germ of decay has taken hold of what was the ideal city. Timocracy, or an honor-loving constitution, moves in when the warrior class supplants the wisdom-loving class. Inspired by pride and ambition, dominated by the will, divorced from reason and heart, it soon produces oligarchy. The latter, better called plutocracy (for it is government by the rich), knows but the appetite for sensible pleasures. This in turn gives birth to democracy, that is, mobocracy, the rule of the undisciplined and envious many. The last offspring is inevitably tyranny. Tired of lawlessness, the masses turn to a strong man for the restoration of order. The new master may begin well, but absolute power soon degenerates under the urge of dark, uncontrollable forces—lust, megalomania, bestiality. The city becomes a prison, and an abject slave, devoid of reason, its jailer.

<sup>2</sup> In the *Republic*, Plato's main concern is not so much the state as man. His main problem is "how can man best live" rather than "which is the best form of government." The inquiry into what constitutes justice (universal justice) in the city is but a way of finding out the meaning and implications of man's nature thereby to reach full knowledge of man's whole duty. What does Plato discover? Justice consists in a proper order or hierarchy, in distinction and cooperation. There is justice when among different elements (in individual man) as well as among different classes (in the city), each element, each class, realizes its capacities and limits, and strives to achieve its proper aim without interfering with the other elements and classes in the performance of its respective task.

According to Plato, then, the ideal city is composed of three classes. The first and smallest is that of the guardians. Their virtue is wisdom, whereby they possess the knowledge of "ideas," that is, of the essence of things—an active knowledge enabling them wisely to direct public life. Then there is the class of the auxiliaries or soldiers, the defenders of right against external enemies and internal disturbers. Their virtue is courage, whereby they rationally consider the nature of things to be feared and things not to be feared, according to the training received from the guardians. The third class, in the majority, is that of the artisans, farmers, and traders (the common people, the working population). Their virtue consists in a certain control or moderation of their irrational desires. Their duty is to be contentedly subject to the judgment and restraining action of the other two classes and to provide for the city's economic needs.

These three classes are harmoniously bound by the virtue of justice, which requires that, in contributing to the common good, each citizen work in his proper capacity, doing the one thing for which he is best suited. Another virtue that should extend to the whole of the city and put all persons in tune is temperance—a mastery of pleasures and desires, "a concord of the naturally better and worse as to which ought to rule whether in a city or in any single person."<sup>3</sup>

These virtues (wisdom, courage, temperance, and justice) are acquired through education, according to Plato the supreme function of the state—a function that, as it is the very *raison d'être* of the state, must be monopolized by it. It is evident that Plato's state is not an end in itself, no matter how all-embracing its power over the individual citizen, but an instrument to educate men to virtue.

Plato's program of state education has a dual aspect: selection and training. From among the free men the state selects those destined to be soldiers, leaving the remainder to increase the ranks of the lowest class and expecting nothing of them beyond an external obedience and a modicum of external moderation. The would-be soldiers, instead, are immediately put to a thorough training to be enjoyed as a recreative and pleasant experience, for constraint is alien to good education. Their minds are re-

<sup>3</sup> *The Republic*, in *Great Dialogues of Plato*, p. 231.

fined through the study of music (which also includes dancing and certain kinds of poetry), their bodies exercised through gymnastics. If they have successfully met their tests, the young trainees at the age of sixteen are introduced to the study of mathematics (inclusive of geometry and astronomy) as a means of disentangling their souls from an exclusive attachment to the world of the senses and elevating them to the enjoyment of the science of unity and numbers, which stands midway between the "sensible" and the "intelligible."

A new selection is made after the age of thirty. The best soldiers, the "aristoi," continue their education through a five-year period of philosophical studies and a fifteen-year period of practical experience in government, police duty, and war. This long training should enable them to become true philosophers by the age of fifty and then to place their knowledge, if necessary, at the service of the community in the official capacity of guardians or magistrates. Philosophers and soldiers alike must be detached from material goods, earthly comforts, and purely personal pleasures. This exigency is emphasized by Plato when he denies the members of the higher classes private property and a family of their own.<sup>4</sup>

They must live in common, attending in messes as if they were in the field. As to gold and silver, we must tell them that they have these from the gods as a divine gift in their souls, and they want in addition no human silver or gold; they must not pollute this treasure by mixing it with a treasure of mortal gold. . . .<sup>5</sup>

<sup>4</sup> Stretching to the utmost the rules of the Spartan constitution, Plato recommends coeducation, the abolition of family life, the introduction of eugenic breeding, the community of children and of material goods. But Plato's communism has nothing in common with Marxian communism or other modern forms of egalitarianism and collectivism. In Plato's ideal state, private property was denied only to a minority, to the actual and potential members of the governing class. Their communal life was to be "more a communism in deprivation than a community of goods," for they were allowed only the bare necessities. Furthermore, Plato's communism served moral purposes, not economic ends. To possess material goods was not a blessing but a curse. Family ties and gold and silver stood in the way of philosophic pursuit and were to be left to the masses, those incapable of enjoying the only true and lasting pleasures of the spirit. See McIlwain, *The Growth of Political Thought* . . . , p. 40.

<sup>5</sup> *The Republic*, pp. 216, 217.



The point that Plato makes here is that the individual's private interests must be drastically controlled and reduced. What is of prime importance is the complete dedication of oneself to the attainment of the supreme goal: the contemplation of the pure "intelligible" (as opposed to the "sensible") world, the world of essences, and finally of the very Good itself—the Good that is not "essence" but beyond it, superior to it in both dignity and power.

This was indeed a lofty aim, almost too high for a man of the pagan world. But what a pity that this aim was reserved to a very few while the rest were abandoned to the animal life of their instincts. And what a degradation for the few to have their lives and loves so punctiliously regulated in order to attain their goal. Thus, to build a state where wisdom reigns, Plato would destroy the foundations of society—private property and family life; to train the best youths in the country, he would resort to inhuman means. How right was Aristotle in attacking these, the weakest points in Plato's political philosophy. X

It is interesting to note that Plato's system of education does not exclude women. In fact, Plato could be considered the first feminist. He even asserted, against the common notion of his contemporaries, that in many things women are superior to men. If they have the required aptitudes and talents, nothing prevents their receiving the same training and eventually discharging the same duties as men. "Offices are common, of course, to both women and men."<sup>6</sup> Furthermore, in Plato's ideal city the children of the members of the lowest class, if gifted and ambitious, may be admitted to the higher classes. Conversely, the children of the philosophers and soldiers will become members of the artisan class should they prove unqualified for government or war. "Sometimes a silver child may be born from a golden [parent], or a golden from a silver and so with all the rest of the breeding amongst each other." When this happens the guardians "will give him the value proper to his nature."<sup>7</sup>

Plato manifests equal concern for the preservation of the physical purity of the race. "The children of the inferior sort, and any one of the others who may be born defective, they [the officials] will put away as is proper in some mysterious, unknown place."<sup>8</sup>

<sup>6</sup> *Ibid.*, p. 258.

<sup>7</sup> *Ibid.*, p. 215.

<sup>8</sup> *Ibid.*, p. 258.

Similar rules coldly specify that the number of weddings is to be decided by the guardians; that women should bear children for the state from the age of twenty to forty and men beget from the thirtieth to the fifty-fifth year; and that children "dumped" illegitimately upon the city must be disposed of "on the understanding that there is no food or nurture" <sup>9</sup> for them.

### THE POLITICUS

In the *Politicus*, which is a less abstract continuation of two other dialogues—*Parmenides* and *Sophistes*—an Eleatic stranger discusses the definition of a statesman with Socrates. Two forms of government are considered: first, the rule of the philosopher-king, superior to laws, able to apply his wisdom to each particular case, meeting every new situation with a perfectly fitting decision; and, second, constitutional rule, a rule based on fixed, written, inviolable law, to be applied equally to all. The conclusion is that in actual conditions, in which no true philosopher is likely to arise (or, if perchance he does, he is not likely to be recognized and given the deserved power), the more practical form of government is the supremacy of law. This premise established, the dialogue goes on to speak of the various forms such government may assume. They are, in descending priority: monarchy (the rule of a single person), aristocracy (the rule of a small competent group), and democracy (the rule of the *demos* or common people). Even democracy is not without its merits provided a fundamental law exists and is respected. But if this basic law is ever set aside for the whims of the ruler, the situation changes entirely. Then, of the perversions of the good types of government, the least dangerous is false democracy; next comes oligarchy; the worst is tyranny, the rule of an irresponsible dictator.

### THE LAWS

The *Laws*, published posthumously, shows Plato's conscious descent into the heart of actual life, already initiated in the *Politicus*. A new settlement in Crete is under consideration. Its constitution must be framed and regulations adopted for the right gov-

<sup>9</sup> *Ibid.*, p. 259.

ernment of a community more or less similar to the average Greek city-state of the fourth century.

Reluctantly but not ungracefully, Plato tries to make the best of a given historical reality. The ideal of the *Republic* is temporarily dropped for a more immediate purpose. Class division is abandoned and, with it, communal life as regards both property and family. Speculative philosophy and the knowledge of ideas are replaced by the popular religion, previously the lot of the common people. The dominant virtue is no longer wisdom or courage, but moderation for all.

Plato goes still further. For a society of ordinary men like that of his time he advocates a "mixed" constitution based on both the democratic principle of "popular representation" and the principle of "authority," with due emphasis on the personal qualifications of the magistrates. Obviously, in this type of state law must reign supreme, as already explained in the *Politicus*. At the same time there are certain features of the *Republic* to which Plato clings tenaciously: education remains the supreme function of the state, although curricular demands are not pitched so high; the equality of the sexes is maintained in regard to education; though Plato does not abolish private ownership or forbid anyone family life, he decidedly favors a strict limitation of family patrimonies and a rigid control of marriages and domestic life.

## UNITY OF PLATO'S THOUGHT

Plato's famous theory of the ideas innate in man's soul by divine creation is the foundation of his entire philosophy, including politics. These ideas (spiritual concepts or forces) the soul knew intuitively in a previous life, before its fall into the prison of the body; and now they can be "remembered." The spark that will possibly ignite the memory and awaken a consciousness never entirely lost is produced by contact with actual things through the senses. These things retain, by way of reflection, some trace or measure of the ideal; and this resemblance, however dim, sets in motion a process of reminiscence that can ultimately make the individual conscious again of what his free soul once knew so well. "To know," then, is "to remember."

This metaphysical dualism—the intelligible and the sensible, ideas and things—is also an ethical dualism: good and evil, right

and wrong. A moral conflict inevitably arises between the world of the senses and the world of the intellect. The soul, which once contemplated the latter but is presently the prisoner of the body, longs to return to its transcendent realm. Fortunately, man can attain the happiness and purity and freedom of the intelligible through study and training, by dying, as it were, to matter and its base inclinations; in a word, through philosophy, which for Plato has a function of catharsis or purification.

With this philosophical system as the framework, Plato builds his political philosophy. For him the purpose of the state is to educate citizens to virtue, to help them recapture the knowledge of ideas or, at least, to supply them with a guide for rational living. How can this be done if the rulers are not enlightened? Consequently, Plato maintains that only those who have escaped from the chains and darkness of the world of the senses and seen the light of the world of the mind are entitled to govern.<sup>10</sup>

Knowledge is for Plato a motivating principle, "a vital, active principle of virtuous actions" and wise decisions. If all men could see the light, government in the usual sense would be unnecessary; all members of human society would need but to follow their reason; "anarchy" would be justified. But men are essentially unequal: not all are capable of attaining true knowledge; in fact, only a few can go beyond sense experience and soar to the clear contemplation of heavenly, timeless, changeless ideas. Therefore the few philosophers, they who know and whose reason is perfectly attuned to universal reason, are by natural right the rulers of the vast majority of men, still chained in the cave of intellectual darkness. In politics, then, the result is aristocracy—government by the wise, by the best, according to their discretion, rather than according to a body of inflexible laws. For Plato this is the highest state, the ideal state, the best state possible. "No other constitution could give happiness to man or to people."<sup>11</sup>

The philosophers must become kings in our cities . . . or those who are now called kings and potentates must learn to seek wisdom like

<sup>10</sup> This refers to the famous story of the cave with the chained prisoners and the shadows being projected on the wall and the escape of the philosophers. The remarkable image is found in *The Republic*, at the beginning of Book VII.

<sup>11</sup> *Ibid.*, p. 273.



true and genuine philosophers, and so political power and intellectual wisdom will be joined in one; and the crowds of natures who now pursue one or the other separately must be excluded. Until that happens . . . there can be no rest from troubles for the cities, and I think for the whole human race.<sup>12</sup>

Unfortunately, it is difficult, if not impossible, to find a philosopher-king in actual conditions. Hence the need for men to submit to the rule of laws and customs and to bind themselves in a form of government that, though "untrue," seeks as closely as possible to resemble the true. This is the second best state, wherein subjection to laws, at all levels of society, constitutes the ultimate criterion of political morality and success, and furnishes the key for distinguishing good from bad types of government.

One is justified then in reconciling the different viewpoints in the three dialogues on the state. The political thought of Plato always remained essentially unchanged. But he was a man living among men and, though his concept of the perfect state never suffered defeat in his mind, circumstances constrained him, in the actual impossibility of attaining the optimum, to direct his efforts to the achievement of a limited, practical application of the ideal and thus avoid greater evils.

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## CHAPTER III • *Aristotle*

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### LIFE

**A**RISTOTLE was born in Thrace in 384 B.C. His native town, Stagira, on the Chalcidice peninsula, was an old Ionian colony, open to every current of Greek culture. Its language was Greek and its people were pure Hellenes. His mother came from Chalcis on the island of Euboea. His father Nicomachus, who died when Aristotle was still a child, was physician to Amyntas II, king of Macedonia and father of Philip the Great. In 367, Aristotle went to Athens and, after a brief interlude at the school of Isocrates, became one of Plato's pupils at his newly founded Academy. There for twenty years he studied philosophy and probably helped in the teaching of rhetoric. His devotion and loyalty to Plato cannot be doubted. But he was a formidable critic and clashed rather sharply with his teacher on some philosophical points: *Amicus Plato, sed magis amica veritas*. Plato felt a like admiration for Aristotle, whom he called "the reader," or scholar, and "the spirit," or intellect.

After Plato's death, the insignificant Speusippus, a nephew of the founder but no relative intellectually, became head of the school. It was then that Aristotle left the Academy and with Xenocrates, another of Plato's pupils, went to Asia Minor. For about three years he lived in various places, studying and teach-

ing, always in close contact with former members of the Academy, particularly Erastus and Coriscus of Scepsis, and Hermias, the learned tyrant of Atarneus in Mysia, whose niece and adopted daughter Pythias he eventually married. In 344 or 343, at the suggestion of a devoted friend, Theophrastus of Lesbos, also of the Platonic circle, he went from Assos to Mytilene on the island of Lesbos. His stay there was brief. In 342, Aristotle accepted the invitation of Philip to become tutor to Alexander (then thirteen years of age) and took up his residence at Pella, the capital of Macedonia. He remained there until about 334, not always, however, in the capacity of tutor to Alexander. During this Macedonian sojourn he became a friend of Antipater, who was to become regent of Macedonia and Greece upon Alexander's departure for his eastern campaign.

In 335 or 334, shortly after Alexander's accession to the throne, Aristotle was back in Athens. In a park that Pericles had destined for the training of soldiers, he established a school of his own called the Lyceum for its proximity to the temple of Apollo Lyceus. This school was also termed "peripatetic," because of Aristotle's habit of lecturing as he walked with his students in the garden or, according to some, because of the shady walks that surrounded it. For twelve years Aristotle gave himself to teaching and scientific research. Nothing in the field of speculative and practical knowledge had ever escaped him. Throughout his young and adult years—in Macedonia, at the Academy, wandering through Asia Minor, at Pella—his had ever been the insatiable curiosity of the Greek mind for both heavenly and earthly things. During the last years of his life, there was a marked shift in his interests. Historical facts and records, actual political constitutions, customs of barbarians, natural history, biological data, psychology, histories of the sciences, anatomy and physiology—all such practical matters formed the primary object of his research and treatises.

Then, in 323, came the startling news of Alexander's death in Babylon at the age of thirty-three. Demosthenes, the great orator and Athens' nationalist leader, immediately led a violent movement against the Macedonian party. Because of his former connection with Alexander and his friendship with Antipater, Aristotle fell under suspicion. Before his political enemies could have him tried on the trumped-up charge of impiety, he fled so as



not to give the Athenians "another opportunity to sin against philosophy." This time he went to his mother's town, Chalcis, where he died the following year (322 B.C.) of a stomach ailment. He had married twice. From the first marriage, to Pythias, was born a daughter; from the second, a son, Nicomachus.

Aristotle's sixty-two years of life coincided with what was one of the most critical and dramatic periods of Greek and world history. Sparta had been defeated by Thebes and her allies under the leadership of Epaminondas (d. 362). The hard-won supremacy of Thebes had been short-lived. In 338, the heroic efforts of Athens, Thebes, and other Greek cities to stop the march of Philip of Macedon had failed miserably with the battle of Chaeronea. Greek independence was at an end. Finally, Alexander had moved rapidly in his conquest of the world. He was about to organize his vast empire when death, with equal swiftness, overtook him. These momentous events, however, seemed to have had little or no effect on Aristotle's views. Inexplicably, his political vision of the world remained focused on the Greek city-state. He refused to admit the reality of the surging territorial state and its fatal consequences. Aristotle was aware of it only to condemn it. He never recognized the necessity of a new approach to conditions that had definitely destroyed the old concepts of a compact, limited state and a minority citizenship within the iron fence of the *polis*.

### GENERAL PHILOSOPHY

Aristotle does not share Plato's belief in the theory of universal forms eternally existing by themselves apart from things. He denies the existence of a world of ideas separate from that which appears to be. Such a world is a Utopia: it is nowhere; it is sheer fiction. Therefore, to say that the material universe is but a defective reflection of the ideal world is for him nonsense. The material world, the world of sensory things, that world of which man becomes aware through experience, truly exists. Not all that exists, however, is purely material. Ideas exist, too. They are immaterial elements inherent and imbedded in things, elements that the intellect is able to abstract from individual objects.

Reality, then, is constituted by two principles: matter, that of which things are made, and form, that which causes them to be

(motive cause) and that to which they tend (final cause). With the exception of the Supreme Being,<sup>1</sup> who alone is pure idea, pure form, pure intelligence with no admixture of matter, all things, to be real, require both matter and form. Neither the idea nor the matter exists by itself. Alone neither has a substance. Substance is simply that which is individually determined. Only an individual thing is substance, and every individual thing is the result of the union of matter and form. An absolutely undetermined matter, a matter without some form, does not exist in the whole of creation. Nor does there exist a form that is not the form of something or in something.

Here matter and form, no longer opposed to each other as in Plato's system, require and complement each other. Matter is the germ, the imperfect, rudimentary state (a piece of wood, a block of marble, an acorn, for example, in relation to a desk, a statue, an oak); form is the blueprint, the pattern, the end to which matter tends (the idea of the desk, the statue, the oak). A particular thing comes into existence only when matter and form unite through motion or evolution, that is, through a process of transition or transformation from potency to actuality. A being is real or concrete only when the potential is actualized. Only then, with the realization of its goal, does it become fully itself.

According to Aristotle, the law of all beings is their instinctive tendency to reach their fullest realization. The seed tends to become a plant, the blossom a fruit, the child a man. Each is directed by nature to its "limit," its "finality."

Now, to what does man tend? Man, as matter, as potency, to what form does he tend? Aristotle answers the question in his ethical and political philosophy. Man tends to realize himself fully in the state. The state is the supreme form of man and of

<sup>1</sup> For Aristotle, God is the pure act, the pure idea. Outside Him, however, equally eternal, there is informal, undetermined, multiple matter. God, then, is the formal, not the creative, cause of all things. God does not give things all their being, but only a determinate mode. Plato admitted, side by side with an eternal God (the Demiurge), the existence of eternal, archetypal ideas—the exemplary causes of all creatures, which God, in creating the universe, took as His model. Aristotle has a truer concept of the Divinity. For him, it is God who is the ultimate exemplar of all creatures. Yet, because of his belief in eternal matter, Aristotle is still far from the Christian concept of creation, according to which God made all things out of nothing.

all human associations, including the family, the household, the village. Man realizes himself totally in the political organization. Yes, man tends to live rationally, to live morally, to live happily; but only in social and political life can he attain this goal. So much so, Aristotle says, that man is truly rational, moral, and happy insofar as he is a political being.

## POLITICAL WRITINGS

Aristotle's writings fall into three general classes. The *exoteric* works, intended for the general public, are dialogues from the Academic period and were published by the author himself. The *compilations*, parts of which were published either by Aristotle or his disciples, are collections of scientific data and historical facts and documents meant to serve as research materials at the Lyceum.<sup>2</sup> The *esoteric* writings originated in the school and were intended for the initiated—a select group of disciples and friends. While only fragments of the works of the first and second groups have reached us, fortunately those of the third, chiefly the Aristotelian production of the Lyceum period, have been preserved, though not all in their entirety and original form.

## THE POLITICS

The treatise called *Politics*, a discussion of politics, belongs to the last category. It is a work in eight books that hardly lends itself to a clear-cut division, for in each book and at times in each chapter, the points of view expressed by the author are but steps in the searching process of his mind, often only loosely connected and not infrequently conflicting. However, in order to facilitate a general understanding of the main features of *Politics* there are reasons for dividing the work into three parts. Books I, II, and III present a set of basic principles forming a general introduction to the two independent theories advanced in Books IV, V, and VI, and in Books VII and VIII respectively: the one practical, departing at times from the basic premises in order to meet, in the only possible way, an imperfect situation; the other theoretical, fitting the general principles almost perfectly. The former deals

<sup>2</sup> Cf. K. von Fritz and E. Kapp, *Aristotle's Constitution of Athens and Related Texts* (New York: Hafner, 1950).

with the best actual state as conditioned by the concrete historical circumstances of Greek political life; the latter with the best possible state in a strict sense, that is, among men but under ideal conditions. The two analyses are clearly distinct and differ not only in the end they pursue but also in the method they follow. In the first construction the approach is empirical, that is, based primarily on experience with constant regard for existing conditions. The second construction marks a definite return to Platonic concepts and manner for it gives but scant attention to the concrete limitations of the human environment. Some editors have changed the order of *Politics*, placing the discussion of Books VII and VIII before that of Books IV, V, and VI. Such an arrangement, they argue, is more consistent with the logical growth and development of Aristotle's political thought, assuming that those parts of the treatise more closely resembling Plato are earlier than the rest. It could just as well be assumed that it was not until a later date that Aristotle turned more sympathetically to Plato's views as expressed in the *Laws*. This is the belief of more recent editors who have restored the traditional order of *Politics*.<sup>3</sup>

#### THE STATE: ORIGIN, END, NATURE

According to Aristotle the origin of the state is to be found not in man's contract but in man's nature. "The state is a creation of nature, and . . . man is a political animal,"<sup>4</sup> that is, an essentially social being. It is not in isolation, but in society, that he can live and live well. Thus, man's social instinct is the true reason for any form of society, the family, the village, or the state. The family or household is the first communal nucleus—"the association established by nature for the supply of men's everyday wants"<sup>5</sup> consisting of various relationships—the relation between master and slave,<sup>6</sup> man and wife, parent and child, property and

<sup>3</sup> Cf. T. A. Sinclair, *A History of Greek Political Thought* (London: Routledge & Kegan Paul, 1951), p. 237.

<sup>4</sup> *Politics* i. 2. Selections from Aristotle's *Politics* are taken from the translation of B. Jowett in *The Basic Works of Aristotle*, ed. by R. McKeon (New York: Random House, 1941).

<sup>5</sup> *Ibid.*

<sup>6</sup> For Aristotle slavery is a natural institution. "For that some should rule and others be ruled is a thing not only necessary, but expedient; from



domestic economy. A more complex community, the village is an association of several families aiming at something more than the supply of material needs, satisfying, to some degree at least, those social and cultural demands whose fulfillment is beyond the power of the family. Finally, "when several villages are united in a single complete community, large enough to be nearly or quite self-sufficing, the state comes into existence."<sup>7</sup> This, "the highest of all [communities] . . . embraces all the rest, aims at good in a greater degree than any other, and at the highest good."<sup>8</sup> In it, and only in it, are man's physical and spiritual exigencies fully met, his ethical virtues completely developed. In it man realizes himself wholly, thus fulfilling his true nature and function as a human being. So much so that "he who by nature is without a state is either a bad man (the worst of all animals) or above humanity."<sup>9</sup> ~~Philosophy does not even consider such a monstrous outcast.~~ Aristotle's doctrine has no room for the man "in the state of nature" later envisioned by Hobbes, Locke, and Rousseau, or for their belief that the state is exclusively a human creation, the result of an agreement.

As previously explained, Aristotle applies to the state the concepts of matter and form inherent in every organism: the matter being the individual and minor associations; and the form, the political society. Consequently, the state—the destination, the

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the hour of their birth, some are marked out for subjection, others for rule." (*Politics* i. 5.) It is in virtue of this duality (which originated in the constitution of the universe and exists in all living creatures) "that some men are by nature free, and others slave, and that for these latter slavery is both expedient and right." (*Ibid.*) Aristotle admitted, however, that many of the actual slaves in his time were slaves by law, not by nature. This he could not approve. For him slavery was based on moral and intellectual superiority, not on conquest, utility, lust, or social convention. He freely conceded that "some are slaves everywhere, others nowhere" (*Ibid.* 6.).

<sup>7</sup> *Politics* i. 2.

<sup>8</sup> *Ibid.* 1. In reality, the goal of the state is not the highest good, for the state aims at the common temporal well-being of the citizens, a limited good to be realized on earth. Man's highest good is something or Someone transcending earthly life, and the Church (as is known from divine revelation) is the society concerned with guiding man in his spiritual journey to the eternal goal.

<sup>9</sup> *Ibid.* 2.

consummation, the end toward which all other bonds move—although in time succeeding the individual, the family, and the village, is ideally by nature prior to them “since the whole is of necessity prior to the part.”<sup>10</sup>

It is not easy to classify Aristotle's view according to modern terminology. Was he for the organismic theory, which makes the state a living organism, an actual living being, or for the organic, corporate theory, which sees the state as a moral unity, brought about by a partnership of wills and interests and purposes on the part of its individual members? It is hard to say. St. Thomas, always conciliatory, tried to explain Aristotle in a sense compatible with reason and Christian revelation. Others, however, fail to find sufficient justification for such an optimistic interpretation. At any rate, there is no doubt that Aristotle's theory is in direct contrast with the mechanistic and individualistic concept of the state advanced by the Sophists and revived in recent times by many political writers.

#### JUSTICE, FRIENDSHIP, GOOD WILL

Aristotle's state is based on justice: universal justice, that is, internal, moral nobility, righteousness or virtue in its broad sense; and particular justice, both commutative and distributive. Justice is the bond of men in states. It consists in a right relationship with other free and equal persons sharing the same manner of life. It is not the transcendent justice of Plato, but a justice immanent in man's reason. It is not to be left to the discretion of any one individual, for in most cases this would entail too great a risk. It is a justice to be embodied and expressed in law.

A good state must also rest on friendship and good will. Aristotle discusses these at length in his *Nicomachean Ethics* (Books VIII and IX). Friendship, which consists in a voluntary interchange of services independent of legal prescriptions, is a most necessary and noble virtue. It adds to the goodness and happiness of the city's members as well as to its unity and strength. It is the ripe fruit and the highest manifestation of justice. It makes life worth living. No solitary man is supremely happy, for “no one

<sup>10</sup> *Ibid.*

would choose the whole world on condition of being alone.”<sup>11</sup> Again, it is “better to spend his days with friends and good men than with strangers or any chance persons.”<sup>12</sup> Man therefore needs virtuous friends with whom to rejoice and grieve as well as to share in discussion and thought and good deeds. “This is what living together would seem to mean in the case of man, and not, as in the case of cattle, feeding in the same place.”<sup>13</sup> Such is the friendship and resultant mutual good will that should permeate the whole city so as to make it a true *koinonia*—a community, a partnership of free, virtuous, happy men. In his obsession with unity, Plato had disregarded man’s need for natural affection and fellow-feeling. Aristotle argues strongly for its fulfillment. After all, the state should make it possible for man to live well and afford him the satisfaction of his social instincts. And this requires family life and an adequate circle of good friends.

#### THE CITIZEN

Having reached the conclusion that the state is a natural community, the highest of all communities, based on justice, friendship, and good will, Aristotle adds that a state is a community of citizens. To explain this new qualification, he immediately attempts the definition of a citizen. “A citizen is not a citizen because he lives in a certain place,”<sup>14</sup> otherwise the resident alien and the slave would also be citizens. Nor is one a citizen merely because he possesses certain legal rights such as resident aliens might enjoy or children born of citizen parents and old men relieved of state duties do. Nor does freedom alone make the citizen, at least in the best state, for free persons so taken up with their work that they lack time or skill for state offices should be barred from citizenship. The citizen in the strictest sense is one “who shares in the administration of justice and in offices,”<sup>15</sup> one “who has the power to take part in the deliberative or judicial administration”<sup>16</sup> of the state.

<sup>11</sup> *Nicomachean Ethics* ix. 9. Selections from the *Nicomachean Ethics* are taken from the translation of W. D. Ross in *The Basic Works of Aristotle*, ed. by R. McKeon (New York: Random House, 1941).

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> *Politics* iii. 1.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*



## THE CONSTITUTION

The soul of the state, its own vivifying principle, is the constitution or *politeia*—“the arrangement of magistracies in a state, especially of the highest of all.”<sup>17</sup> Such a disposition of the *polis*, permeating and influencing the whole body politic much more deeply than what we call a constitution today, determines the character of the state in such a way that a change in *politeia* is tantamount to a change in identity. “When the form of the government changes, and becomes different, then . . . the state is no longer the same.”<sup>18</sup> But how is the nature of the constitution to be discovered so that one may know when the state changes? Aristotle’s answer is that the nature of the *politeia* is determined by the character of the governing class. “The constitution is in fact the government.”<sup>19</sup> The moral views and the motivations of the person or persons in power, his or their political and economic outlook, inevitably provide the mold for the constitution. Thus, the primary classification of states coincides with the classification of constitutions; these in turn are conditioned by the character of those who exercise the supreme authority.

## CLASSIFICATION OF CONSTITUTIONS

As to constitutions in particular, Aristotle departs from the old criteria for discriminating between the good and the bad.

Governments which have a regard to the common interest are constituted in accordance with strict principles of justice, and are therefore true forms; but those which regard only the interest of the rulers are all defective and perverted forms, for they are despotic, whereas a state is a community of freemen.<sup>20</sup>

In considering their number and nature, Aristotle uses the old schemata and most of the old names: kingship, aristocracy, polity (a genuine democracy); tyranny, oligarchy, democracy (a false democracy). But here his dependence on predecessors ceases. It becomes evident that he is not concerned with a numerical basis but with a qualitative concept, and for practical purposes he limits

<sup>17</sup> *Ibid.* 6.<sup>18</sup> *Ibid.* 3.<sup>19</sup> *Ibid.* 6.<sup>20</sup> *Ibid.*

his classification to aristocracy, oligarchy, democracy, and tyranny.

*Aristocracy*, the only objectively good constitution, is the rule of the outstanding, the rule in the hands of the best citizens, few or many as the case may be, exercised for the best interests of the community, conferring benefits and privileges solely on merit. Thus understood, aristocracy would also include monarchy.

*Oligarchy* is the rule of the rich or the nobles, with preferential rights for wealth and nobility. It may be moderate (constitutional) or extreme. The latter, wherein offices are hereditary and the governors uncontrolled by law, is a very bad form of government, little better than tyranny.

*Democracy* is the rule of the *demos* (a particular group of citizens, neither rich nor virtuous, the lower class), government by the poor and uneducated multitude for their own benefit. They believe in liberty, equality, and the will of the majority. There are many varieties of democracies. The distinguishing feature is respect or lack of respect for law. There are democracies in which the law is supreme, and they are constitutional though imperfect. But if offices are open to all and the multitude rather than law is supreme, then extreme democracy results—the rule of the mob at the mercy of demagogues. This form of government is definitely bad. It is little better than extreme oligarchy.

*Tyranny* is the lawless rule of one usually over unwilling subjects. It relies solely on force. It is the worst of all forms of government.

In keeping with his criterion for judging actual constitutions, Aristotle admits that even the objectively imperfect forms, such as moderate oligarchy and constitutional democracy, may be the right ones under existing conditions, when they are best suited to the character and needs and conditions of a particular people. States and peoples may be diseased, Aristotle the scientist seems to imply; and just as a physician must at times be satisfied, *faute de mieux*, with a sickly patient, so the statesman must make the best of even a perverted type of constitution.

Aristotle admits also that these various constitutions, however valid in themselves, are by no means static. The political tendency of the citizens and the factors on which emphasis is placed often affect and modify the actual constitution, rendering, for instance, a democracy less democratic, an oligarchy less oligarchic.

## THE BEST ACTUAL STATE

For the social conditions of the Greece of his day, Aristotle favored a mixed constitution, a combination of the democratic and oligarchic, a mean between both extremes, a synthesis or conciliation of the two warring classes. This fusion of various elements—wealth and liberty, privileges and equality—he terms *polity* (a form of government not to be confused with the correct kind of democracy, also called polity). It leaves to the majority the decision on laws and general policies and entrusts the administration of public affairs to the wealthy and more competent few.

The backbone of this, the average best state for Hellas, is the middle class, intermediate between the very rich and the very poor. It is this class, moderate and law abiding, not envious and not envied, able both to command and to obey, that will afford the state stability.

In his constant attention to actual conditions, Aristotle remarks that even so typical a state may not be the most practicable in every situation. Yet the general principle he has thus far insisted upon still obtains: "The more perfect the admixture of the political elements, the more lasting will be the constitution."<sup>21</sup>

## REVOLUTIONS: HOW TO AVOID THEM

Aristotle's concern for the stability of constitutions leads him to emphasize permanence at the expense of quality. He seems to imply that any change, even a change for the better, is to be carefully avoided, at times at least. At this point he embarks on a lengthy, masterful survey of political revolutions. They have many causes. These vary according to the form of government against which revolutions are directed. But frequently they are reducible to one: class war resulting from the desire for equality or the desire for inequality.

Men think that they are equal to others who have more than themselves; or . . . conceiving themselves to be superior they think that they have not more but the same or less than their inferiors. . . . Inferiors revolt in order that they may be equal, and equals that they may be superior.<sup>22</sup>

<sup>21</sup> *Ibid.* iv. 12.

<sup>22</sup> *Ibid.* v. 2.

There are also many ways to check rebellion. First of all, the true statesman must be alert to spot incipient discontent and contention, to discern "the beginning of evil."<sup>23</sup> In addition, the spirit of obedience to law must be jealously maintained, particularly in small matters, for the whole and the all "are made up of littles";<sup>24</sup> the rulers should be on good terms with everyone, never maltreating, always dealing with one another and their fellow-citizens in a spirit of equality. Because "men are easily spoilt [and] not every one can bear prosperity,"<sup>25</sup> the exaggerated increase of any citizen is not to be allowed. "Especially should the laws provide against any one having too much power, whether derived from friends or money; if he has, he should be sent clean out of the country."<sup>26</sup>

As to rebellions against tyrannies, they are brewed chiefly in hatred and contempt. The tyrant has two ways to guard against them. The traditional method, aimed at making the people unable to revolt, consists in sowing distrust among the subjects, in spying on their activities, in taking away their power, in waging war to keep them occupied and always in need of a leader, in humbling them, for the spiritually broken will not conspire. The second method, to be advocated again by Machiavelli, would render the rule of a tyrant more similar to a king's to make the subjects unwilling to revolt. Power, strong and concentrated, is the very foundation of tyranny: whether the people like him or not, the tyrant must never relinquish it. However, he should act or appear as a good ruler. The benevolent dictator should pretend a care of the public revenues, be wary of wasting money on favorites, strangers, and artists; appear dignified; inspire respect rather than fear; maintain the character of a great soldier; avoid offending against the modesty of the young; check the insolence of the women of his family. If he indulges in pleasures, let him at least not parade his vices before the world. Finally, he must adorn and improve the city and appear especially earnest in the performance of his religious duties.

At the end of this list of somber advice on how to keep despotism a going concern, Aristotle warns that there is really no way to

<sup>23</sup> *Ibid.* 8.

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> *Ibid.* Aristotle is referring to ostracism, the temporary banishment of a citizen, a policy in use in some Greek city-states.



kill the spirit of freedom in men, and soberly notes that of all political forms no other has so short a life as tyranny.

### THE IDEAL STATE

In his fragmentary and unfinished sketch of the ideal state, Aristotle freely delineates a *polis* that is the closest possible realization of the basic principles set forth in Books I, II, and III of his *Politics*. Though a state more imaginary than real, it is still in the realm of the attainable.

Its constitution must be royalty or at least aristocracy. If there is a perfect man, surpassing all in wisdom, he is entitled to rule. If he rules, he is not to be restrained by law. Like Plato's philosopher-king, he must not be bound to the Procrustean bed of legal prescriptions. He is to govern according to his discretion.

Conceding the practical impossibility of finding such a man, Aristotle considers pure aristocracy ~~the second best~~ constitution for his ideal state. This is the rule of truly good, competent men, based not on birth or wealth but on virtue alone; it is still a rule of law.

As to size, he observes that a state is great not when it is populous, but when it functions well. An overpopulated state can hardly be reduced to order, for in it law is ineffective. Hence the best state is moderate in size, neither extremely small nor extravagantly large. Its citizens must be sufficient to insure independence of life, yet not so numerous as to prevent their knowing one another and forming a compact and harmonious body.

As to the land, it must be of a type to yield produce of every kind so as to render the inhabitants self-sufficient. It must be large enough for them "to live at once temperately and liberally in the enjoyment of leisure,"<sup>27</sup> and of such a form that it would be "difficult of access to the enemy, and easy of egress to the inhabitant."<sup>28</sup>

As to location, the state should communicate with both the land and the sea for commercial and military advantages. It must be well supplied with pure water.

As to the citizens, they must be of the Hellenic race, for the Greeks, due to their intermediate position in both territory and character, combine the love for freedom of the northern peoples of

<sup>27</sup> *Ibid.* viii. 5.

<sup>28</sup> *Ibid.*

Europe with the cleverness of the Asiatics. And Aristotle unexpectedly adds: "If it [the Greek nation] could be formed into one state, [it] would be able to rule the world."<sup>20</sup> Since a citizen is a man of high intellectual and moral standards, sensitive to beauty and able to enjoy knowledge, true citizens in the strictest sense can only be those who belong to the military class (citizens in their younger years) and the deliberative and judicial classes (citizens in their more mature years), or those discharging priestly duties (citizens too old for other responsibilities). Artisans, laborers, and farmers cannot be citizens. Either their lives are incompatible with virtue or their work does not allow them the leisure virtue requires. But they, like the slaves, are most certainly indispensable elements of the state, for the tasks they perform, however servile and menial, are nevertheless essential.

The most important function of the ideal state is the education of the citizens. Its purpose is to make them good both as individuals and as members of the city. It teaches them how to rule and how to obey. Education covers in detail every facet and feature of the citizen's life: his marriage (the proper age for men is thirty-seven, for women, eighteen; the proper season is the winter); his family life (the number of children is limited by law; adultery is severely punished); and so on. Aristotle pays special attention to the rearing of children: the crippled should be exposed and left to die; the healthy accustomed to the cold from their early years to harden them for military service. Their training program in state schools (since education is the affair of the state) has four branches: reading and writing, gymnastics, music, and the art of design. Music, particularly, is taught for higher values than practical utility. It relaxes, it promotes the rational enjoyment of leisure, it ennobles the soul of the future citizen. But children should not be taught music to acquire virtuosity or to take part in public performances. In fact, even the adult citizen should play and sing only in private, for his own and his friends' enjoyment.

#### PLATO AND ARISTOTLE

There are many similarities in Plato and Aristotle. Their range of vision was circumscribed by the Greek horizon. Their world

<sup>20</sup> *Ibid.* 7.

was compressed within the confines of Hellas. Outside the Greek pale there was no salvation. Both regarded the city-state, moderate in the number of its inhabitants and the size of its territory, as the *non plus ultra* in political organization. Both viewed with dismay and alarm the political instability and moral corruption of the Greek city-states and found in education the principal remedy for these evils. Both placed virtue at the apex of man's individual and collective life. Both strongly believed in the ethical purpose of man and the state. Both (but particularly Plato) took the Socratic view of knowledge as an active element, an intellectual light as well as a mover of the will, an unfailing guide to action. To know the truth and act accordingly was for them one and the same thing. Both believed in the essential inequality of mankind. A few were able to live the good life proper to men; the many were hopelessly doomed to a subhuman existence, without knowledge, virtue, leisure. Slavery was a natural institution. Some are born free; some are born slaves: it was as simple as that. Even among free men, only a small number were to enjoy the brilliance and delights of the spirit; the rest had to be content with manual work and servile tasks. Hence, for all practical purposes, Aristotle and Plato restricted citizenship to a minority, at least in their ideal state.

Just as many are their divergences. Plato was an idealist, a dogmatist, an extremist. He wanted to change the world right away, on his own terms. He was impatient with man's weaknesses and limitations. Plato had not the slightest doubt about the validity of his principles. He did not need the test of reality. If reality did not conform to them, let it be changed. If men did not suit his ideal city, let them be dehumanized.

Aristotle was not interested in ideal politics. He was a scientist, a statesman. At times one would call him a relativist. He looked at the world around him, he gathered facts, he deduced principles from them, he studied actual conditions, he respected earthly limitations, he relied on "the experience of ages,"<sup>30</sup> he read possibilities for good in the imperfect and vice versa, and he understood the necessity of adaptation, adjustment, compromise. Virtue for him was the mean between two extremes. Aristotle had his own ideal, but he was fully if painfully aware that what ought to be was at times unrealizable. More often than not, one must

<sup>30</sup> *Ibid.* ii. 5.



resign himself to a minor evil. Plato's city is laid in heaven. It is for angels and demigods. Aristotle's city is on *terra firma*. It is for men.

Plato had no use for the family and family-life. True, he did not advocate a community of wives. In fact, Plato was a rigorist; he restricted almost intolerably the sex relations of married people. But marriage among the true men and true citizens of his *Republic* had one purpose: to procreate children for the state. Love, companionship, the joy of a home, the bond between parents and between these and their children Plato sacrificed for what he called justice in the individual and in the city. Singlemindedly and relentlessly, he pursued the unity of the state at the expense of even the deepest human needs.

Aristotle defended the opposite view. The state is a plurality, a unity in diversity. The family is a natural institution, the fundamental cell of the state, a beneficial, irreplaceable unit in the whole. Family life, love for one's wife and children, do not destroy the unity of the state. On the contrary, by meeting man's instinctive demand for friendship and affection, they contribute to his happiness and, consequently, make him willing to help others attain their share of happiness. Why the state should deny happiness to its best citizens Aristotle could not understand. "And if the guardians are not happy, who are?"<sup>31</sup>

Plato was also suspicious of private property. He allowed it to those third-class citizens for whom he had little use and denied it to the soldiers and guardians. To this Aristotle objected sharply. Abolition of private property would neither foster unity nor eliminate dissension. It would multiply agents and bureaucrats, thus causing laziness and disorder. It would remove a powerful incentive to work as well as the opportunity of being of service to friends—and men love to be generous, to give freely. Again, since it is natural to have private property, why should the state, the highest natural institution, deny its citizens the fulfillment of this basic instinct, the pleasure of feeling a thing as their own? Aristotle well knew that evils often accompany a system of private property; but he pointedly added that these derive from the manner in which property is used, not from private ownership itself. Not common property but man's moral reform is the cure.

Aristotle and Plato disagree about the role of women. Plato

<sup>31</sup> *Ibid.*

was a feminist of a sort. He wanted the highest offices of statesmanship open equally to meritorious men and women. He extended to women even the most exacting duties of warfare. He recognized sex distinction only in regard to the procreation and rearing of children. Not so Aristotle: "The male is by nature superior, and the female inferior."<sup>32</sup> Men command, women obey. He repeated approvingly the poet's words: "Silence is a woman's glory," and added explicitly that while women have the deliberative faculty, they are nevertheless without authority. One may feel that Plato's opinion is the more commendable. But when he advocated the equality of women Plato was not inspired by any sympathy for them as such. He was blind to them. As always, he was concerned solely with the unity of the state, and to safeguard its solidarity he refused to women the fulfillment of their strongest natural urge—love for and of their children. Aristotle, while seemingly more primitive and less appreciative, at least recognized woman's mission in the family and granted her the affection of her husband and her children.

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## CHAPTER IV • *Cicero*

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### LIFE

CICERO was born in Arpinum, a town sixty miles southeast of Rome, in 106 B.C. His well-to-do family kept a house in Rome also, and Cicero spent his boyhood partly in the country home and partly in the great city that was then the capital and mistress of the world.

Cicero's poor health was compensated by an exceptionally keen mind and an impassioned will to succeed. He studied Latin and Greek literature, philosophy, rhetoric, and law under eminent teachers both in Rome and abroad. When he was twenty-five he made his first appearance at the bar. His speeches immediately drew the attention of his fellow citizens. They brought upon him, too, at least in one instance, the disfavor of the dictator Sulla. It may well have been in search of a safer place that Cicero left Rome about 80 B.C. For two or three years he traveled in Greece and Asia Minor, giving himself to a further study of philosophy at Athens and oratory at Rhodes. It was on this island that he met the famous philosopher Posidonius, representative of the Middle Stoa. Returning to Rome in 77 B.C., he married the rich and domineering Terentia.

Cicero's political career began two years later with his appointment as *quaestor* in Sicily, in which capacity he proved himself

an honest and efficient civil servant. Back in Rome in 70 B.C., Cicero successfully prosecuted Verres for maladministration as governor of Sicily and was elected *aedile*. In 67 B.C. he was elected *praetor*, and in 64 consul as the candidate of the senatorial party. His defeated rival, who had been backed by the radical wing of the democratic party, was the noble but reckless Catiline, whom Cicero, while serving his term as consul in 63, vigorously denounced in his famous orations, charging him with plotting to seize the government. Catiline eventually died in battle but some of his fellow conspirators were summarily executed by order of Cicero.

Many applauded Cicero's bold action, but others, particularly a certain Publius Clodius, accused him of not having observed due process of law in ordering the immediate execution of Catiline's associates. Cicero looked to the nobles for help, but in vain. For them he was a *homo novus*, self-made, below their class. The situation became more precarious with the rise of Caesar, Pompey, and Crassus (the First Triumvirate). In 58 B.C., Cicero had to leave Rome and Italy. On his way into exile, he learned that his beautiful home on the Palatine had been burned and his country estates confiscated.

A year later, more favorable legislation permitting it, Cicero returned to Rome. He was greeted warmly by his friends and admirers but was still shunned by the nobles. For several unhappy years, Cicero was a party to the political quarrels of the Roman factions, and not always consistent in his loyalties. In 51 B.C., he was appointed proconsul of Cilicia and was active there in war and peace, but the assignment was not to his liking. When, seizing the first opportunity, he returned to the capital (50 B.C.), Cicero found it in feverish preparation for the civil war between Caesar and Pompey. In the course of ensuing events—the crossing of the Rubicon in 49, the defeat of Pompey at Pharsalus in 48, Pompey's murder, and Caesar's unchallenged domination—Cicero was forced to make a few painful adjustments. At first he avoided taking sides; then he went to Pompey's camp; only after Pompey's defeat did he re-establish friendly relations with Caesar. In reality, there was a sharp divergence of opinion between the two, and when the dictator was assassinated in March of 44, Cicero did not conceal his joy at the restored liberty. He hoped great things for the democratic future of the Republic, only to observe,



after a brief illusory moment, that "liberty had been vindicated but not saved; the tree of despotism had been cut but not uprooted." At this point, the issues at stake became absolutely clear to Cicero, and in those, the last months of his life, he courageously took a stand. He fought for the senate against Antony, and for the restoration of constitutional government against the rule of the despot. The fourteen Philippic Orations are a record of Cicero's finest political action and his brilliant eloquence as well. But Cicero had chosen the losing side. The senatorial policy was defeated in 43 when Antony and Octavian (the later Augustus) were reconciled and, with Lepidus, formed the Second Triumvirate. As a price for this arrangement, Octavian consented to Antony's request that Cicero's name be included in the list of political opponents to be purged. Antony's henchmen hastened to his villa at Formiae. There, on December 7, 43 B.C., they killed him, and cut off his head and hands to bring them to Rome to be nailed to the rostrum. Before proceeding to this macabre exhibition, Fulvia, Clodius' widow and Antony's wife, put a hairpin through the tongue of the most famous Latin orator.

#### POLITICAL WRITINGS

The *Republic* and the *Laws*,<sup>1</sup> written during the last twelve years of his life, are the chief expression of Cicero's political thought. These works—both probably in six books—survive only in part. They are in dialogue form. In the *Republic* the garden of Scipio's villa in 129 B.C. is the scene of a conversation between the famous Roman general and statesman, Scipio Africanus the Younger, and members of his circle, one of whom is Caius Laelius, prominent in literature and politics. In the *Laws*—a posthumous work—it is Cicero who converses with his brother Quintus and a close friend Atticus.

<sup>1</sup> *De republica* was written between 55 and 51 B.C. *De legibus* was begun in 52 B.C. For many centuries only short fragments of the *Republic* were thought extant, but in 1822 Angelo Mai, of the Vatican Library, found considerable portions (imperfectly erased and fortunately still visible) of Cicero's book in a palimpsest under the superimposed text of St. Augustine's *Commentary on the Psalms*. What we have today amounts to one-third of the original work.

The purpose of the *Republic* is to determine the best type of constitution, to define the duties of the statesman, and to investigate the principles of justice and morality basic to every political system.

As far as can be ascertained from the fragments, the *Laws* is concerned with a further analysis of justice and virtue, and a search for a perfect code of laws. It is copiously illustrated with references to ancient Roman institutions and citations from early Roman law.

#### THE STATE: DEFINITION AND ORIGIN

For Cicero the state is the people's affair. *Res publica* is the *res pōpuli*, and by "people" is to be understood not every group of men in any way come together, but a considerable number of men united by a dual bond: the juridical, which is the common agreement as to law, and the utilitarian, which is the communion of interests or advantages.<sup>2</sup> This is a typically Roman definition, concise and down-to-earth, a striking contrast to the lengthy and abstruse lucubrations of the Greeks.

Cicero traces the origin of the state not so much to man's weakness as to an inborn social inclination. Humankind is not solitary and its members do not live in isolation. Though men should possess material comforts in abundance, they must nonetheless come together in social groups. Life's purpose—the attainment of the *summum bonum*, the highest good—is possible only in society. The state is, then, an outgrowth, a natural consequence of man's gregarious tendencies. It did not come into existence of a sudden. It evolved slowly through a long line of generations, each making its contribution. Before the actual appearance of the state in history, men grouped together around the family, the household, the village. But this gradual evolution had its roots and explanation in the depths of man's very nature.

<sup>2</sup> "The commonwealth, then, is the people's affair; and the people is not every group of men, associated in any manner, but is the coming together of a considerable number of men who are united by a common agreement about law and rights and by the desire to participate in mutual advantages." *Republic* i. 25. The selections from *De republica* are taken from the translation of G. H. Sabine and S. B. Smith (Columbus, Ohio: Ohio State University Press, 1929).

## AN INTERMEDIATE ASSOCIATION

The state, according to Cicero, is but one type of man's associations, and an intermediate one at that. Plato considered the polis the final arbiter in education and morals; Aristotle viewed it as the ultimate and supreme embodiment of man's social exigencies. Cicero rejects both doctrines. For, as he reasserts in his *De officiis* and *De natura deorum*, there exist other forms of association inclusive of and beyond the state: the society of states with a common language, the society of men at large, and finally the society of men and gods. "We must conceive of the whole universe as one commonwealth of which both gods and men are members."<sup>3</sup>

Cicero's emphasis is on reason ("There is nothing better than reason . . . it exists both in man and in God"<sup>4</sup>), on law ("Right reason is law"<sup>5</sup>), on justice ("We are born for justice"<sup>6</sup>), on the supreme dominion of God as well as on the bond between God and man.<sup>7</sup> Accordingly, he insists on universality and equality. Cicero speaks of "man's fellowship and union with his fellow-men."<sup>8</sup> Plato's and Aristotle's stress on the essential inequality of mankind is swept away by Cicero's refreshing and liberating doctrine that "the whole human race is bound together in unity,"<sup>9</sup> reason "is certainly common to us all,"<sup>10</sup> and "there is no human being of any race who, if he finds a guide, cannot attain to virtue."<sup>11</sup> Consequently Cicero denies that slavery is a natural institution, though he justifies it to some extent on a principle of international law in virtue of which those vanquished in war are enslaved instead of killed.

<sup>3</sup> *Laws* i. 7. Selections from *De legibus* are taken from the translation of C. W. Keyes (Cambridge, Mass.: The Harvard University Press, 1928).

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.* 10.

<sup>7</sup> Cicero's concept of God, and his clear, definite idea of immortality, show the spiritual progress of the human mind during the three centuries between him and Plato. As Petrarch said of Cicero: "You would fancy sometimes it was not a pagan philosopher but a Christian apostle . . . speaking."

<sup>8</sup> *Laws* i. 10.

<sup>9</sup> *Ibid.* 11.

<sup>10</sup> *Ibid.* 10.

<sup>11</sup> *Ibid.*

## THE STATE: AIM AND CONSTITUTION

The aim of the state is the promotion of the people's welfare, which embraces, over and above the possession and enjoyment of material goods, the attainment and exercise of virtue. It follows that the statesman's mission is to ennoble and enrich human life. Through the medium of the state, it becomes possible for men to enjoy a life "secure . . . rich in wealth, great in renown, distinguished in virtue."<sup>12</sup>

Political authority is essential to every state. Without it the commonwealth cannot endure. This authority may rest with one, with a select few, or with the people themselves. Patently, the basic forms of government are the traditional monarchy, aristocracy, and democracy. No one form is without its advantages, no one without its deficiencies; consequently no one in particular is perfect or best. Each, however, is acceptable as long as the juridical bond holds the people together, and one may be better than another. Of the unmixed forms, Cicero would choose monarchy where there is unity of command, and love between king and subjects. His absolute preference, however, is a mixed form—a combining, a balancing, a blending of the three.

I hold it desirable, first, that there should be a dominant and royal element in the commonwealth; second, that some powers should be granted and assigned to the influence of the aristocracy; and third, that certain matters should be reserved to the people for decision and judgment. Such a government insures at once an element of equality, without which the people can hardly be free, and an element of strength.<sup>13</sup>

This element of strength, the corollary of each individual's being firmly set in his proper place, guarantees the stability of the state and frees the mixed form of government from the danger of sudden shift and revolution: a danger ever present in the three forms of the simple state, making it easy for them to lapse into their perverted forms—tyranny, oligarchy, and ochlocracy.

Of these, the worst is tyranny. The tyrant is one who has adopted a form of rule which is unjust and arbitrary . . . ; no creature more foul, or loathsome, or detested to gods or men can

<sup>12</sup> *Republic* v. 6.

<sup>13</sup> *Ibid.* i. 45.



be imagined. Though he is formed in the image of man, the monstrous ferocity of his character surpasses that of the wildest beasts. Who can justly give the title of human being to one who, in his dealings with his fellow citizens and indeed with the entire human race, does not desire the bond of a common law and the relationships involved in civilized life? <sup>14</sup>

Despotic rule is Cicero's nightmare. It so haunts him that he warns even against adopting monarchy, the best of the unmixed forms, lest it degenerate into tyranny. Concentration of power in a single man is dangerous and usually fatal to the people's liberty.

The fear will always hang over them that the king may become an arbitrary ruler, as generally happens. Precarious, therefore, is the lot of a people which is dependent . . . on the caprice or character of a single man.<sup>15</sup>

#### THE ROMAN STATE

The best form of government (the mixed or composite form) is exemplified in the Roman state with its system of magistrates (the royal element), senate (the aristocratic element), and the people (the democratic element). Plato's state was beautiful fiction; Cicero's state is an actual creation of the practical genius of the Romans. They had built it, not in heaven but on earth, through their own efforts—"by deliberation and discipline." "Our commonwealth . . . was the product not of one genius but of many; it was not established within the lifetime of one man but was the work of several men in several generations."<sup>16</sup>

#### THE PRINCEPS REI PUBLICAE

But even the great Roman state (the embodiment of the ideal state) was evolving. At Cicero's time it had germs of infection and corruption as well as strong ferments and potent forces rapidly moving in new directions. It seemed in need of drastic changes. Cicero was aware of this and, searching for the right means to meet such an emergency, he introduced into his scheme of government a new, puzzling figure: the rector or moderator or

<sup>14</sup> *Ibid.* ii. 26.

<sup>15</sup> *Ibid.* 28.

<sup>16</sup> *Ibid.* 1.



*princeps rei publicae*<sup>17</sup>—the ideal statesman, the farsighted pilot at the helm of the ship of state, a man remarkable for both intellectual qualities and practicality. He was to save the commonwealth. The people were to look to him for leadership, advice, and example.

Unfortunately the passages treating of the *princeps* are too short and fragmentary. Even the most careful commentators have not found any conclusive or satisfying answers to the many questions about his true nature. What was to be the range of his power? Was he to be the official head of the state, endowed as such with direct power to make binding decisions, or was he to play the role of an elderly statesman drawing his indirect power from the esteem and prestige he enjoyed among the people? Again, had Cicero some one in mind when he wrote about the *moderator rei publicae*? Was he prophetically anticipating the Augustan principate, or was he trying to provide an ideological platform for Pompey, who in 52 had been appointed *consul sine collega*? Or was Cicero merely in a nostalgic mood and did his plea for the *rector* mean a return to the age of Scipio, a defense of the rights of the *optimates*, the *principes* of the state, without any concession to the monarchical element? Probably even Cicero would have hesitated clearly to define his thought. Writing when a tremendous transition was at hand, he undoubtedly understood the need for a new type of statesman. He spoke with pathetic longing, yet in veiled and guarded terms. The only sure thing is that Cicero saw in the *princeps* a man (or several) with a historic mission. Within the framework of constitutionality he was to apply his exceptional talent and knowledge to the problems confronting Rome at the very moment of her spiritual and political revolution. Perhaps Cicero himself was puzzled. Perhaps he was waiting for events to unfold before committing himself definitely.

#### THE SOVEREIGNTY OF LAW

The foundation of the state is justice; and justice is nothing other than the acceptance of law by all concerned. The political

<sup>17</sup> See *Republic* v. 3, 6, 7. Cicero's *moderator* makes one think of Rousseau's legislator (*The Social Contract*, Book II, chap. 7). Of course, the two differ greatly in many respects.

bond is the juridical bond. "What, indeed, is a state, if it is not an association of citizens united by law?"<sup>18</sup> Now, law for Cicero is not exclusively and necessarily the body of customs, written decrees, and judicial decisions in effect at a given time in a given place. Law is, primarily and basically, the standard set by nature, discovered by reason through a study of man's natural inclinations—particularly the inclination to be of mutual service—and by reason applied to action. Its features are not diversity and selfish utility, but unity, harmony, reasonableness. Its justification is not the consent of the majority but its conformity to nature. Law is an absolute value, supreme, timeless, changeless, universal. All other laws, even the laws of Rome, are valid only if they are not in conflict with it. This law has an inherent, inescapable sanction of its own: one cannot disobey it without denying his very nature and becoming less than a man. This law has likewise its own reward: ultimately, it will bring every man to virtue and all men to unity, peace, and happiness under the protecting power of God. But rather than paraphrase Cicero, let us read his masterly description of natural law in the third book of the *Republic*. Very seldom, even in the best pages of the greatest books, has a mere man said so much so well:

There is in fact a true law—namely, right reason—which is in accordance with nature, applies to all men, and is unchangeable and eternal. By its commands this law summons men to the performance of their duties; by its prohibitions it restrains them from doing wrong. Its commands and prohibitions always influence good men, but are without effect upon the bad. To invalidate this law by human legislation is never morally right, nor is it permissible ever to restrict its operation, and to annul it wholly is impossible. Neither the senate nor the people can absolve us from our obligation to obey this law, and it requires no Sextus Aelius to expound and interpret it. It will not lay down one rule at Rome and another at Athens, nor will it be one rule today and another tomorrow. But there will be one law, eternal and unchangeable, binding at all times upon all peoples; and there will be, as it were, one common master and ruler of men, namely God, who is the author of this law, its interpreter, and its sponsor. The man who will not obey it will abandon his better self, and, in denying the true nature of a man, will thereby suffer the severest of

<sup>18</sup> *Republic* i. 32.

penalties, though he has escaped all the other consequences which men call punishment.<sup>19</sup>

For Cicero it is law—a body of rules above the state and the government and prior to them—that provides the determining factor for judging the legitimacy of the state and its governmental forms. Aristotle, insisting on the moral values inherent in each constitution, had adopted a qualitative criterion. Cicero greatly simplified the problem of constitutions. For him, in a sense at least, the question was of secondary importance, a numerical one, since all constitutions are good or tolerable so long as natural law is sovereign. Government is only a means to determine and enforce this fundamental law. Whether government is entrusted to one or to a few or to the many becomes a question not of principle but of prudence and expediency. The principle for Cicero is that law must be supreme. As to the form of government, that one should be chosen which, all things considered, affords the state the greatest stability.

#### STOIC INFLUENCES

There is no mistaking a Stoic influence in Cicero's philosophy. His ~~doctrine on law, his belief in man's equality, his vision of mankind as a universal family, his condemnation of slavery~~—all of these point very definitely to Stoic sources. If, however, meaningless or unjust generalizations are to be avoided, several remarks and qualifications are in order.

The Stoic concepts Cicero accepts are those of the Middle Stoa further tempered by Roman common sense. The Middle Stoa had reinstated the *polis*, albeit in a secondary place, and considered it compatible with the society of men at large. Cicero adapts these doctrines to Roman ways, mitigating markedly, more than Panaetius of Rhodes and Posidonius, the rigidity and severity of the Old Stoa. It is to Cicero's credit that he was able to bring these humanized Stoic precepts to bear on political life. He was impatient of the narrowness of outlook common to most Stoics. Ironically enough, these Stoics, while seeing mankind as one big family, were shutting the individual in an ivory tower of proud aloofness and

<sup>19</sup> *Ibid.* iii. 22.

unconcerned isolation. Together with the Stoics, Cicero breaks the chains of Plato's and Aristotle's political man inexorably bound within the suffocating limits of the city-state. Yet he holds, counter to the old Stoic doctrine, that man is also a political being drawn to the state by nature itself. Moreover, Cicero insists, not without originality, that while philosophy is good, law is better and that greater than the philosopher's is the mission of the statesman. "There is, indeed, nothing in which human excellence can more nearly approximate the divine than in the foundation of new states or in the preservation of states already founded."<sup>20</sup> Finally, we owe Cicero unqualified praise for having transmitted, with remarkable freshness and in terse terms of his own coinage, the best of classic and Stoic political thought to the Roman jurists and the Fathers of the Christian Church. The West is indebted to Cicero in no small measure. It is regrettable that this debt is not better recognized or more graciously admitted.

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<sup>20</sup> *Ibid.* i. 7. Cicero's praises of the role of the statesman are warm and frequent; see *Republic* i. 20; iii. 3, 4; v. 13.

PART TWO: *Christ and Christianity*

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## CHAPTER V • *Introductory*

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### BASIC TEACHINGS OF CHRISTIANITY

THE birth of Christ <sup>1</sup> in an obscure village of a remote Roman colony marks the central fact and the highest point in man's and the world's history. For it is Christ who gives both the human and cosmic phenomena the sense and the direction they need, while He Himself represents the greatest, unsurpassable, final measure of their achievement and evolution.

The pagan philosophers had spoken to limited audiences of initiates and, at their best, voiced only partial truths in terms often cryptic and ambiguous. Christ's teaching was simple and clear in style, universal in content, addressed to all men. As such, it was a message capable of completely renewing man's life in its multiple aspects—religious, ethical, social, and political. These were its fundamental ideas. God is our Father who is in heaven. Man is a child of God, a free and immortal spirit, a sacred and inviolable person capable of and called to unlimited perfection. God's kingdom is a kingdom of souls whose territory is the world;

<sup>1</sup> According to the calculation of the sixth-century monk Dionysius Exiguus, Christ was born in the year 754 A.U.C. But this could not have been, for it is certain that Herod died in 750 A.U.C., which corresponds to the year 4 B.C. In all probability Christ was born a little less than two years before Herod's death, in the year 6 B.C.

whose membership, open to all, depends on interior assent and on conditions of internal purity, humility, and love; whose strength and riches are not material but spiritual. Suffering is not a tragedy but an opportunity. Labor, even manual labor, is given a dignity it has never known. Death itself is not to be feared but welcomed as the beginning of a new and richer life. Also of extreme importance are the obvious corollaries of these principles: not blind fate but God's wisdom and providence rule man's destiny; all men are free and equal, and as children of the same Father, they are brothers: and so close a bond demands that each not only be given his own (justice) but that he be dealt with liberally and generously in a spirit of brotherly love (charity); in everything the primacy belongs to the spiritual; labor and suffering are means of redemption and sanctification.

#### CHRISTIANITY AND THE STATE

Concerning the social and political issue, Christ was responsible for "secularizing" the state. With Him religion and politics were sharply distinguished: "Render to Caesar the things that are Caesar's and to God the things that are God's."<sup>2</sup> Not that politics was rendered independent of religion (although in a sense the state was declared independent of the Church), for even kings and peoples were to obey God and God's laws. What Christ made absolutely and definitively clear was that the state must not invade the world of religion and claim man's allegiance in the things that are not Caesar's. Gone is the identification of ethics with politics. Gone is the union, in the person of Caesar, of the royal and the priestly power. Religion is no longer under the control of the state. Obedience to Caesar is no longer obedience to God. It might happen that disobedience to Caesar is obedience to God. Man's spiritual liberty becomes compatible with social order. In place of the monism of old, a duality is introduced into society. Half of man, so to speak, is freed from the secular jurisdiction, for the state is competent only in temporal matters. The other half, his better part, is entrusted to another authority—the sacred hierarchy of Christ's Church, the society established for man's spiritual needs, to help him reach what counts most, eternal salva-

<sup>2</sup> Matt. 22:21.

tion. And state and Church, although they have power over man, are in reality servants: they exist simply to make him totally happy.

Not till the advent of Christianity could man break through the all-enclosed system of naturalism born of Greek intellectualism and Roman voluntarism which bound the ultimate Good within the politeia. How could pagan society thrive on the vitality of its citizens when the individual was caught up within a World-State or absorbed into a World-Soul? Without any certainty about the meaning of *personal* existence, constant demands on individual and collective allegiance cannot but exhaust the positive energies of human nature, and consequently, individuals and societies inevitably surrender apathetically to sheer activism. For in the recognition that there is in each man a final essence—that is to say, an immortal soul—which only God can judge, a limit was set upon the dominion of men over men. The prerogatives of supremacy were radically undermined. The inviolability of the human person was declared, endowed with authentic and transcendent purposes and inalienable rights. The acknowledgment of a higher law, *of which the State is not the oracle*, is in effect an immaterial power which an actual ruler or government can be compelled to respect by the conscience of those in whom it reveals itself. In the hierarchy of orders, political science and jurisprudence shrank to its narrower limits and subordinate and subsidiary levels. Law was to be born of the idea of justice not of religion. For while Christianity provided a higher moral ingredient and purpose for law and government, it disclaimed to be either its source or premise. The Christian faith did not absorb nor eliminate but rather preserved the exigencies and dictates of the order of nature within the supernatural order of grace. Man was liberated from the nightmare involved in the concept of nature as a closed system, determined by its own exclusive laws, and of the perplexing antithesis between the spiritual aspiration for liberty and the pagan cosmological necessitarianism. Christianity released the positive energies of human nature for the development of a Christian polity—of the City of Men which is *not* the City of God but ever looks toward it for light and guidance in the realization of a just order among men.<sup>3</sup>

In the words of Christ and His first authoritative interpreters, Peter and Paul,<sup>4</sup> Christianity recognizes and upholds the author-

<sup>3</sup> J. F. Costanzo, "The Graeco-Roman Politeia," 155.

<sup>4</sup> St. Peter: "Be subject to every human creature for God's sake,

ity of the state on the one hand, while on the other it establishes a limit beyond which the state cannot proceed without violating man's spiritual liberty. The fundamental ideas of Christian politics are, then, two in number: (1) the recognition of state authority as ultimately deriving from God and aiming at the adequate promotion of the common temporal good of the citizens (hence the state's autonomy in its proper domain); (2) the limitation of state authority within the range allotted to it for the pursuit of its aim, so that the inalienable rights of man and the rights of Christ's Church be fully respected.

### EARLY CHRISTIAN WRITERS

These basic principles were explored and elaborated by early Christian writers (the Apologists) as well as by the Fathers of the Church. Soon, by developing logical implications, they were able to formulate more or less precise answers to current social and political problems and to begin discussions of other issues that were to continue into the Middle Ages.

Writing from Africa at a time when the Church was being cruelly persecuted, Tertullian (145-220) asserted that all kingdoms are from God and that all Christians owe obedience to the civil rulers except in matters of faith. Therefore "we respect in the emperors the ordinance of God, who has set them over the nations" but "never will I call the emperor God." Tertullian emphasized another point: even though the Christians were unjustly persecuted and though, as he somberly warned, "a single night with a torch or two could achieve an ample vengeance," they would never have recourse to violence, for it is forbidden them "to repay evil by evil."<sup>5</sup>

In his *Contra Celsum*, Origen (185?-254) clearly stated the whether to the king as supreme, or to governors as sent through him . . ." (I Peter 2:13-14); "We must obey God rather than men" (Acts 5:29). St. Paul: "Let everyone be subject to the higher authorities, for there exists no authority except from God. . . . Therefore he who resists the authority resists the ordinance of God" (Rom. 13:1f; see also I Tim. 3:1; Titus 3:1).

<sup>5</sup> *Apology*, chaps. 32, 33, and 37, in *The Ante-Nicene Fathers*, ed. by Roberts and Donaldson (New York: Charles Scribner's Sons, 1926), Vol. III, pp. 43, 45.



same doctrine about civil law. He added that Christians must pray for all their fellow citizens, and more than others promote the cause of the emperor, not, however, for worldly reasons. In general, it is their duty not to refuse any service asked of them so long as it does not oppose God's law. Finally, Origen was not afraid to mention the moral responsibility of the civil ruler. He would be called to account not only for his own sins but also for the sins of his people if he in any way contributed to their commission or spread.

Following the Edict of Milan by Emperor Constantine (313), St. Ambrose (340-397) further interpreted the Pauline principle. Authority is not in itself an evil thing. What is wrong is the *libido dominandi*, the lust for power, the desire to put it to selfish use for illegitimate ends. But civil authority is definitely limited. God's law is superior to every other; there are things forbidden even to the emperor; in religious matters he has no voice and therefore he should carefully abstain from pressing any claim to man's spiritual allegiance and from interference in any form.

To St. John Chrysostom (344-407), bishop of Constantinople, Christian political thought owes a great debt for a pointed explanation of St. Paul's words and for one of the first arguments against the so-called divine right of kings theory:

*For there is no power*, he [St. Paul] says, but *of God*. What say you? it may be said; is every ruler then elected by God? This I do not say, he answers. Nor am I now speaking about individual rulers, but about the thing in itself. . . . Hence he does not say, *for there is no ruler but of God*; but it is the thing he speaks of, and says, *there is no power but of God. And the powers that be, are ordained of God*.<sup>6</sup>

It must be noted that the Christian writers of the first three or four centuries clung tenaciously to what antiquity had taught. What they could not otherwise reconcile with Christ's teaching they corrected, adapted, or mitigated, discarding only what was absolutely incompatible. Even in the unyielding and radical St. Jerome (340-420) one detects a certain sense of satisfaction when he can assert that "our theories . . . agree with the [ancient] philosophers" and "the Stoics agree on most points with our

<sup>6</sup> *Homily XXIII on the Epistle of St. Paul to the Romans*, quoted by McIlwain, *The Growth of Political Thought* . . . , pp. 152f.

dogma.”<sup>7</sup> Indeed, Christianity (which did not demolish the Roman temples or level the arches and forums to the ground) retained the best features of Greek classical thought, the Stoic concepts of the universality of law and the equality of men, and most principles of the Roman legal system. Yet Christianity always managed to see the old theories in a new perspective, to give them, as it were, a new dimension, to inject a new meaning into them. God is the measure of all things. Man’s first duty is not to the state or even to the family but to God and his own soul. The *salus publica* is still a sacred duty but no longer (at least, not necessarily always) the *suprema lex*. To know the truth is good, but to do good is even better. Love, which the ancient philosophers eyed suspiciously and even scorned as a “spiritual infirmity,” becomes the deepest impulse and the positive criterion of one’s life provided its object is not the creature but the Creator. The law of nature, universally valid, remains intact but it ceases to be merely an abstract rule of reason: it becomes the expression of a provident Father’s concern for His beloved children, and the penetrating light of Revelation discovers in it new depths of content. Moreover, parallel to the law of nature, another divine law (completely unknown to the ancient philosophers) emerges, equally binding on men and kings and states: the positive law promulgated by God at various intervals in the course of time. A civil law that contradicts either of the two is null and void. All-embracing as is the range of divine law—neither state nor man can ever escape its obligation—it now becomes clear that in order to be just and valid the temporal civil law need only conform to and not necessarily be identical with it. A new and eminently dynamic relationship between temporal and eternal law is thus discovered and the basis provided for the solution of one of the most difficult problems that had ever tortured ancient philosophers and statesmen. For, when it was understood that justice consists not in identity but in conformity with the eternal law, politics was at once freed from the danger of dismal immobility and periodic upheavals. Politics became suddenly a creative art, the science of the perfectible. It was St. Augustine who finally brought to light this extremely important concept: that an objective justice could exist “which was temporal, transient, and mutable,” provided it was ultimately grounded on the eternal law, in turn “comprehensive

<sup>7</sup> Migne, *Patrologia Latina*, Vol. XXIV, column 147.

of all human exigencies and historical contingencies";<sup>8</sup> but the concept itself was already there—in the inexhaustible treasure that was and is the very core of Christian doctrine and philosophy.

Not infrequently such revaluation and changes called for reappraisal and qualification. For instance, Christianity does not forbid private property, although it highly praises detachment from worldly goods and monastic collectivism freely embraced; but the right use of private property, while extended to man's and his family's needs, is limited by the needs of less fortunate neighbors, whom it is a duty to help. Other concepts underwent similar correction and clarification, among them justice and peace. To these and to Christian political thought in general at the very eve of the Middle Ages, St. Augustine gave eloquent and articulate expression.

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<sup>8</sup> J. F. Costanzo, "Catholic Politeia I," *Fordham Law Review*, XXI (June, 1952), pp. 98, 102. Anyone interested in the revolution brought about by Christianity in the social and political field should read Costanzo's scholarly article.

## CHAPTER VI • *St. Augustine*

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### LIFE

THE son of Patricius, a pagan converted to Christianity only shortly before death (371), and of Monica, a saintly Christian woman, Aurelius Augustine was born in Tagaste, the modern Souk-Ahras in Algeria, on November 13, 354. Monica enrolled him among the catechumens but many years were to pass before his baptism. It was customary in those days to postpone its reception until an adult age. Augustine attended elementary school in his native city and continued his education in Madaura, the present Mdaourouch, until he moved to Carthage (nearly on the site of modern Tunis) to study rhetoric in the fall of 370.

Augustine was then sixteen years old and his "craving for hellish satisfactions" found an easy outlet in that semi-pagan and licentious city. It was there that he began his relations with the woman who bore him a son, Adeodatus, and who was to follow him until practically the eve of his conversion.

It was in Carthage also that, while pursuing his literary studies, Augustine chanced upon the *Hortensius* of Cicero. Its exhortation to philosophy changed his outlook. "Suddenly, every vain hope became worthless to me and I yearned with unbelievable ardor of heart for the immortality of wisdom."<sup>1</sup> In quest of

<sup>1</sup> *Confessions* iii. 4. Selections from St. Augustine's *Confessions* are



it he directed his attention to the Bible, but "my unhealthy pride shunned its style and my intellectual vision failed to penetrate its inner parts."<sup>2</sup> He found the doctrine of the Manichaeans more palatable and from 373 to 382 he was associated with them though only as an auditor. Augustine had fallen "among men mad with pride, extremely carnal and talkative."<sup>3</sup> Their fundamental belief in the two eternal principles of Good and Evil, Light and Darkness, appealed to him as a rational solution to the problem of evil and relieved him of all personal moral responsibility.

It seemed to me that it is not we who sin, but some other unknown nature within us. . . . It was a joy to my pride to be set apart from culpability and, when I had done some evil thing . . . I loved to excuse myself and accuse some other unknown being, which existed with me and yet was not I.<sup>4</sup>

This was indeed a far cry from the Augustine who would observe that "evil is but the privation of the good, even to the extent that evil does not exist at all."<sup>5</sup>

When he completed his studies, Augustine taught at Tagaste and Carthage. He won friends and admirers, but they could not fill the void or still the restlessness deep in his heart. His keen mind was soon tortured by doubts about the Manichaean explanation of the problem of evil, and no one was able to help him clarify or resolve these and other matters that troubled him considerably.

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taken from the translation of V. J. Bourke (New York: The Fathers of the Church, Inc., 1953).

<sup>2</sup> *Ibid.* 5.

<sup>3</sup> *Ibid.* 6. The founder of Manichaeism was Manes or Mani, a Persian who lived in the third century A.D. and taught the eternal existence of two opposite substances, light and darkness, as well as reincarnation.

<sup>4</sup> *Ibid.* v. 10.

<sup>5</sup> *Ibid.* iii. 7. Against the Manichaeans, who had *divinized* evil, the Christian Augustine insisted on its negative character. Evil, a product of man's free will, has not been created or willed by God; evil *is* not; it is a deprivation, a negation, a denial of that which *is*. God's prescience does not destroy man's freedom and responsibility, for man's act is not performed because God has foreseen it; rather, it is foreseen by God because man will perform it. But God, St. Augustine continues, in His infinite goodness and power, brings good even from evil and makes everything work for His glory and man's ultimate happiness.



In the summer of 384 Augustine proceeded to Rome. The school he opened there had to be closed almost immediately because many of his pupils failed to pay their fees. Seeking a new teaching position, he asked for and obtained it in the important city of Milan, then the residence of the Western Roman emperors. "So I came to Milan, to Ambrose the bishop, known throughout the world as one of the best men."<sup>6</sup> At Milan he was joined by his mother. In the meantime a skeptical Augustine was drifting farther and farther from Manichaeism. He felt that perhaps the Academic philosophers<sup>7</sup> were right in holding that one should doubt everything, for truth is ever elusive. Plotinus and the Neo-Platonists<sup>8</sup> rescued him from his despair and gave him new confidence in the positive power of the human mind. Ambrose, through public sermons and private conversations, made him aware of the hidden riches of the Christian faith. The prayerful Monica and his dear friend Alypius were constantly at his side, encouraging him in his battle against the flesh. The woman he had lived with for a good number of years had returned to Africa, vowing to God that she would never know another man and leaving Adeodatus with him. The time was ripe for the return of the prodigal. After several violent crises, he finally broke with his past, and on Holy Saturday, April 25, 387, together with Adeodatus and Alypius (who was to become, in 394, the bishop of Tagaste), he was baptized by Ambrose. Monica had at last reaped the fruit of her many tears. She died shortly afterward at Ostia, while waiting with Augustine to sail back to Africa.

In Africa, Augustine withdrew, with a few friends and disciples, to a secluded place near Tagaste and gave himself to prayer and study. In 391 he was ordained a priest by Valerius, Bishop of Hippo, a city in ancient Numidia about a mile south-

<sup>6</sup> *Ibid.* v. 13.

<sup>7</sup> The Academic philosophers, such as Arcesilaus of the Middle Academy in the third century B.C. and Carneades of Cyrene of the New Academy in the second century B.C., agreed, against Stoic dogmatism, that knowledge is impossible: man can prove nothing, be sure of nothing, not even of the fact that he is certain of nothing.

<sup>8</sup> Plotinus, born in Egypt (A.D. 203-269), is called the Father of Neo-Platonism. He believed that man, through detachment from sensory things and a life of asceticism, can unite himself to the highest One and reach a state of mysterious beatitude or ecstasy. His most famous disciple was Porphyry (232-304).

west of the modern Bone in Algeria. Soon afterward he was consecrated bishop and, on Valerius' death, succeeded him. For more than twenty years the great bishop labored in his diocese, preaching and writing and valiantly combating heresies wherever they appeared. He forcefully attacked the Manichaeans, the Donatists,<sup>9</sup> and the Pelagians.<sup>10</sup> One cannot but marvel at the fertility of his mind and at his almost unbelievable activity. Death put an end to it on August 28, 430, while his beloved city was surrounded by the Vandals. A month later Hippo fell to the barbarians.

### THE CITY OF GOD

On August 24, 410, Alaric entered Rome. After long centuries of unmolested supremacy the greatest of cities fell, an easy prey to the invaders. The outrageous pillaging lasted three days during which Christians and pagans alike took refuge in the shrines of the martyrs and in the basilicas of St. Peter on Vatican Hill and St. Paul on the Ostian Way. But when the Visigoths left, the pagans turned rabidly on the Christians, blaming them for the catastrophe. Rome had been left unprotected because of the Christian doctrine of renunciation of the world; moreover, the gods, betrayed by the acceptance of the new religion, had avenged themselves by inflicting on Rome this dreadful punishment. It was then that Augustine, Roman and Christian, assumed the difficult task of refuting these accusations and restoring courage to the bewildered and dismayed Christians. This he did with his *De Civitate Dei*, the *City of God*, a work divided into twenty-two books and published in various installments between 413 and 426.

The *City of God* is Augustine's masterpiece. In it he goes beyond his initial purpose and plan. Broadening the defense of Christianity and the condemnation of paganism into a process and judgment of universal history, Augustine takes a unified view of the complex events of all ages and sees the destiny of mankind

<sup>9</sup> The Donatists were followers of Donatus the Great, Archbishop of Carthage, and of Donatus, Bishop of Casae Nigrae in North Africa (fourth century A.D.). They held that heretics, being deprived of grace, could not validly administer baptism and the other sacraments.

<sup>10</sup> Pelagianism, sponsored by the fourth-century British monk Pelagius, denied the transmission of original sin to Adam's descendants and asserted that man is the author of his own salvation.

inextricably linked to the Christian religion. As in the history of his soul, Augustine read in the history of mankind the account of man's flight to or from God. According to this theological view, history results from the contrast of two cities built and sustained by two conflicting loves: the heavenly city, the city of God, composed of every friend of God and despiser of self in all places and times, and the city of man, the worldly city, issued from a selfish love and formed by all the enemies of God, likewise in every country and age.

### THE TWO CITIES

The two cities or societies, into one or the other of which all men without exception fall, know no physical frontiers nor are they necessarily coextensive with Church and state.<sup>11</sup> On earth, good and bad are intermingled: they live together, they work together; and yet one city is constantly warring against the other—one dominated by a power urge and boasting of its self-sufficiency, the other relying on God and all its members serving one another in charity. Their "great divide" is in the human heart; their cardinal distinction, whether one looks to earth or to heaven as his last end. The same standard of determination is applicable to peoples or states. To the earthly city belongs that people or state that is held together by a selfish love and seeks exclusively or at least preponderantly the acquisition of worldly goods. To the heavenly city belongs that people or state that is unified by a bond of love for God, is organized for a supernatural end, and aspires after the goods of heaven.

<sup>11</sup> It is true that at times St. Augustine uses the two terms in a more concrete sense: "city of God" then signifies the Church and "city of man" or "terrestrial city" means the state. But in such instances the context clearly shows that between the two (Church and state) there is no necessary and inevitable conflict. To avoid confused reading it should be kept in mind that the term "Church" also has two senses. It may mean the spiritual agency and spiritual power instituted by Christ to apply the fruits of His redemption. It may mean the Christian people, the multitude of the Church members. In the first sense, the Church is always essentially related to the city of God (the society of all those who love God): the principles of the two are identical. In the second sense, not always and not necessarily are all Christians seekers and friends of God.

St. Augustine thus introduces his theological view of the state. Far more than a political philosopher in the narrow, definite sense of the term, this Christian theologian casts the light of faith on the concepts of ancient writers, keeping what is right, discarding or reshaping what is wrong. It is interesting to see how he proceeds.

## THE STATE

First of all Augustine defines the state. "A people is a multitude of reasonable beings voluntarily associated in the pursuit of common interests."<sup>12</sup> St. Augustine was constrained to modify Cicero's definition,<sup>13</sup> which, though in a sense better and more ideal, had hardly been calculated to fit all or even most historical states. The more realistic Augustine broadened the basis of the concept so that all peoples, even those lacking justice, could be included. A man, he seems to say, is a man whether good or bad. A state or a people is a state or a people whether good or bad—whether a member of the heavenly or of the earthly city. But his definition is not by any means to be construed as eliminating or disregarding the moral concept in his own theory of the state. Augustine's view of the state is not circumscribed by the limits of this definition. This is but the beginning, the first step in a long analytical process. As a study of man begins by defining him a being endowed with life, reason, and individual existence and then proceeds to show what makes him good or bad, so Augustine, after defining the state in the most generic terms, goes on to distinguish between good and bad states.

## THE STATE AND JUSTICE

Justice is what makes a good state. "*Ubi iustitia non est, non est respublica.*"<sup>14</sup>

<sup>12</sup> *City of God* xix. 24. Selections from *The City of God* are taken from the translation of D. B. Zema, G. G. Walsh and others (New York: The Fathers of the Church, Inc., 1950).

<sup>13</sup> "A multitude bound together by a mutual recognition of law and rights and a mutual co-operation for the common good." (*De republica* i. 25.)

<sup>14</sup> "Where there is no justice, there is no [true] commonwealth." *City of God* xix. 21.



In the absence of justice, what is sovereignty but organized brigandage? For, what are bands of brigands but petty kingdoms? They also are groups of men, under the rule of a leader, bound together by a common agreement, dividing their booty according to a settled principle. If this band of criminals, by recruiting more criminals, acquires enough power to occupy regions, to capture cities, and to subdue whole populations, then it can with fuller right assume the title of kingdom, which in the common estimation is conferred upon it, not by renunciation of greed, but by the increase of impunity. The answer which a captured pirate gave to the celebrated Alexander the Great was perfectly accurate and correct. When that king asked the man what he meant by infesting the sea, he boldly replied: "What you mean by warring on the whole world. I do my fighting on a tiny ship, and they call me a pirate; you do yours with a large fleet, and they call you Commander." <sup>15</sup>

But what is justice? It is ~~not so much the virtue regulating man's relations with man; primarily and fundamentally it is the virtue regulating man's relations to God. As a consequence of this, only when it is rooted in Him can justice exist as a virtue among men. A man or a state denying homage to the true God and obedience to His laws cannot be just.~~ The Roman state was, then, always a state, though not always in the sense defined by Cicero, for at certain times Rome had abandoned justice and become a "sink of iniquity," tearing men away from God in order to make them subject to dirty demons.

#### THE STATE AND PEACE

As to the end of the state (and man), Augustine admits of only one—peace, "the calm that comes of order." <sup>16</sup> But then he sharply divides peace into two kinds. There is an earthly peace and there is a heavenly peace. One need not militate against the other. Individuals and states may and should desire both. Unfortunately, however, there are men and states who pursue worldly peace to the exclusion of heavenly peace. These are unjust and belong to the earthly city. Augustine thus brings into sharp focus the Christian idea that the state and the state's aims are no more than relative and subsidiary values, good only as long as they remain such. The really important thing is never to lose sight of

<sup>15</sup> *Ibid.* iv. 4.

<sup>16</sup> *Ibid.* xix. 13.



man's supernatural purpose and to make everything work, ultimately, to its attainment.

Of course, the City of God subordinates . . . earthly peace to that of heaven. For this is not merely true peace, but, strictly speaking, for any rational creature the only real peace, since it is . . . the perfectly ordered and harmonious communion of those who find their joy in God and in one another in God.<sup>17</sup>

#### POLITICAL AUTHORITY

To attain its end, civil society needs authority. Without it the unity of the social body is impossible. God, who willed man to be social, willed also the means that make life in common useful and beneficial. Therefore, authority is from God. He is the source of all power. But, except in special cases of direct intervention, He allows secondary causes to designate the ruler, such as election, hereditary succession, or other customary institutions.

As to forms of government, St. Augustine has no preference. Monarchy, aristocracy, democracy, a mixed form—all are good provided the rulers are good. St. Augustine lists carefully the qualities of the ideal rulers: they

govern with justice . . . remember that they are men . . . think of sovereignty as a ministry of God . . . fear and love and worship God . . . are slow to punish, quick to forgive . . . punish, not out of private revenge, but only when forced by the order and security of the republic . . . [and] temper with mercy and generosity the inevitable hardness of their decrees.<sup>18</sup>

#### A CONSEQUENCE OF SIN?

Many seem convinced that St. Augustine looked upon the state as a consequence of sin, and not the result of man's natural inclination to society. Such an interpretation would imply that Augustine viewed the political organization as a violation of natural law, that man's nature not only does not call for the state but virtually rejects it, and that the state somehow finds its justification

<sup>17</sup> *Ibid.* 17.

<sup>18</sup> *Ibid.* v. 24.

in the fact that, men having sinned, it became necessary to organize them against sin. Had Adam and Eve not fallen, then, there would have been no need whatever of a common political association and authority.

It must be admitted that there are texts of St. Augustine that appear to support this view. For instance, Chapter 15 of Book XIX reads:

God wanted rational man, made to His image, to have no dominion except over irrational nature. He meant no man, therefore, to have dominion over man, but only man over beasts. So it fell out that those who were holy in primitive times became shepherds over sheep rather than monarchs over men, because God wishes in this way to teach us that the normal hierarchy of creatures is different from that which punishment for sin has made imperative. For, when subjection came, it was merely a condition deservedly imposed on sinful man.

According to others, however, a careful study of all pertinent passages would point up quite a different interpretation. Augustine did not mean that man's life was originally to have been apolitical and that sin created a need for the state. He meant simply to condemn the violent, cruel, unjust domination of the weak by the strong, to condemn the greed and the power urge that drive men and groups of men to found nations and empires or to extend them by force or treachery. Though certain of St. Augustine's statements seem very general and all-inclusive, one must explain them in the light of his scrutiny and condemnation of most historical states before and during his time. Such states had been founded, extended, and held in blood and terror. It is these Augustine disapproves and condemns, not the state in the abstract. In fact, he unequivocally and repeatedly asserts that social organization derives from a precept of natural law and is mandatory to provide human beings with the means indispensable to life. Because men are social beings, they join in bonds of kinship and friendship for the purpose of attaining peace—the ultimate law of all and every nature. "By the very laws of his nature man seems, so to speak, forced into fellowship, and, as far as in him lies, into peace with every man."<sup>19</sup> But if man's association with other men

<sup>19</sup> *Ibid.* xix. 12.

is to be orderly, beneficial, and peaceful, there is need of law and authority. Thus the state is born—born of man's social instinct to ensure him the peace that he passionately craves. Neither of these human needs that necessitate the existence of the state is attendant on the appearance of sin on earth. Both preceded it. They are part of man's very nature. They would have drawn him, even had Adam and Eve not disobeyed God's command and mankind not lost original justice, into some sort of political organization, exclusive, of course, of a strict coercive element. How then can the state be considered a consequence of sin when it is wholly consonant with a law—the natural law—made by God Himself and pursues ends in themselves good? Slavery is always a product of sin; some actual states are a result of sin; but not the state as such. St. Augustine even speaks of true civil sovereignty as "a ministry of God"<sup>20</sup> and of human kingdoms as established by divine providence.<sup>21</sup>

#### UNITY OF MANKIND

The political theology of St. Augustine has a solution for the problem of international relations. Mankind's undying dream of world unity—the pacific coexistence of all men, families, and nations—can become a reality only when Christ is unanimously accepted and His teachings are faithfully followed. The many bonds that could effect unification will fail to keep mankind together if the primary bond, which is Christ, is rejected. Peace is a gift of God. We cannot have it without Him. As Etienne Gilson says so well:

It is conceivable that a number of men, more or less large, be unified under the domination of other men or even of one individual; however if we are striving toward the unity of all men, we must look beyond mankind for the unifying principle. The only possible source of future unity lies not in multiplicity, but above it. *One World* is impossible without *One God* and *One Church*. In this truth lies the ever timely message conveyed to man by St. Augustine's *City of God*.<sup>22</sup>

<sup>20</sup> *Ibid.* v. 24.

<sup>21</sup> "*Prorsus divina providentia regna constituuntur humana.*" *Ibid.* 1.

<sup>22</sup> *Ibid.*, Foreword. The entire Foreword by Gilson is worth reading.

This was the supreme aspiration of St. Augustine: that all aspects of man's individual and collective life be permeated by the love and spirit of Christ, or, that all men and all states belong to but one city—the city of God.

#### CHURCH AND STATE

~~This divine city, even if universally realized on earth, would not do away with the state as a society distinct from the Church.~~ Some medieval writers argued that St. Augustine favored a theocratic state and the identification of the state with the Church, should ideal conditions obtain. Quite the contrary, the Bishop of Hippo had a clear understanding of the two powers and distinguished between them, assigning to each specific functions—to the civic power, temporal interests, and to the spiritual power, those above the order of time.

St. Augustine admitted that conflicts arise between Church and state and that in extreme cases no compromise is possible. Then the Church has "no choice but to dissent . . . and so to become a nuisance to those who think otherwise."<sup>23</sup> But ordinarily the Church

takes no issue with that diversity of customs, laws, and traditions whereby human peace is sought and maintained. Instead of nullifying or tearing down, she preserves and appropriates whatever in the diversities of divers races is aimed at one and the same objective of human peace, provided only that they do not stand in the way of the faith and worship of the one supreme and true God.<sup>24</sup>

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<sup>23</sup> *Ibid.* xix. 17.

<sup>24</sup> *Ibid.*

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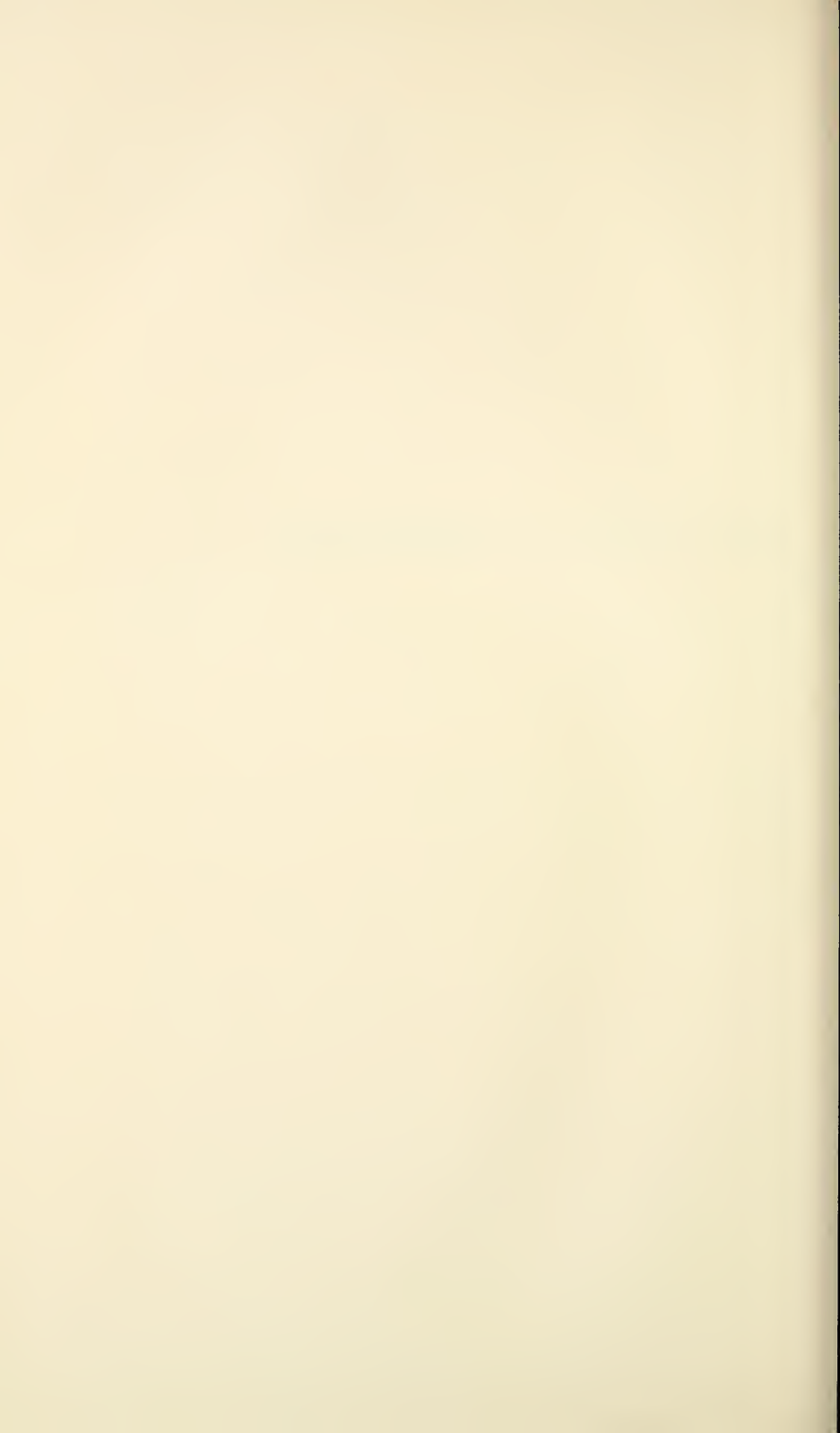
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PART THREE: *The Middle Ages*

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## CHAPTER VII • *Introductory*

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### THE MIDDLE AGES

**A**NARCHY, chaos, disintegration marked the Middle Ages from the beginning of the sixth to the end of the tenth century. But these were also centuries of Christian penetration and root-taking and germination. Throughout the Roman Empire, now the home of "barbarians," Christianity was at work through its bishops and priests and particularly the monks of St. Benedict (480?-7550), the true educators of the West. Foremost among the new nations they reclaimed was France. On Christmas 496, Clovis was baptized in Rheims; on Christmas 800, Charlemagne was crowned emperor in Rome. The eleventh and the twelfth centuries constitute the creative phase of the Middle Ages, first with feudalism, then with the restoration of the state, finally with popular emancipation. France led again, closely followed by England, Northern Spain, and Southern Italy. These years featured Cluny, the Romanesque style, the Crusades, the *chansons de geste*, the medieval mysteries, the new languages, the cities, the guilds, Gregory VII, St. Peter Damian, St. Bernard, Abélard. The thirteenth century saw the end product of medieval evolution. It began with Innocent III (1198-1216), Francis of Assisi (1182-1226), and Dominic (1170-1221). It was made glorious by St. Louis of France, St. Thomas Aquinas, St. Bonaventure, Dante Alighieri,

the cathedrals, the universities, the *summae*. The fourteenth and the fifteenth centuries brought radical changes. The medieval synthesis was dissolved; the Christian process of evolution broken. Finally, in 1517, heralded by Luther, the *via moderna* had its formal beginning. Christendom was divided. And the society that replaced the old was realistic and utilitarian, a society of the bourgeoisie and legists, of merchants and bankers, of absolute monarchies and sovereign nations.<sup>1</sup>

#### THE EARLY MIDDLE AGES

To trace the main lines in the development of medieval political thought it is necessary to distinguish between the early Middle Ages (roughly from the fall of the Roman Empire of the West in 476 to the first decades of the eleventh century) and the late Middle Ages (from about the middle of the eleventh to the end of the fifteenth century). The early period was dominated by the slow confluence of three major factors (the Greco-Roman, the Christian, the Germano-feudal) into a fairly clear body of doctrine dealing particularly with the issues of society and state and Church, of justice and law, of civil authority and the people in relation to it. The late Middle Ages, while retaining and further developing many of the previous features, was characterized by a brisker pace, a wider range of interests, a moving in new and different directions, a gathering from new and more copious sources. Predominant, however, were one question and one struggle: the question of Church and state relations, the struggle first between pope and emperor, and later, more specifically, between the pope and the French king.

#### CLASSIC FACTORS

During the early period the Aristotelian idea of society as natural and necessary to man was rigidly maintained. Not so, at least in the opinion of some, Aristotle's idea of the state as a natural institution. Gaining favor was Seneca's belief that the political organization is not natural but only necessary, in view of man's restlessness and concupiscence—the lasting consequences of an origi-

<sup>1</sup> See J. Chevalier, *Histoire de la pensée*, Vol. II, *La Pensée chrétienne* (Paris: Flammarion, 1956), pp. 133-141.



nal fall. At the same time, it was commonly held with Cicero that to be legitimate, that is, to be a legitimate means of restoring justice, a state must fulfill two essential conditions: the governed must consent to the association and the rulers must govern justly. These verified, it makes little or no difference what the form of the state, monarchical, aristocratic, or democratic. Finally, in keeping with the Stoic and the Roman mentality, human relations (therefore also political) were unalterably viewed in terms of law, never in the Platonic or even Aristotelian terms of an *élite* who are a law unto themselves and govern according to universal wisdom at the discretion of their superior minds.

### CHRISTIAN FACTORS

It must be noted that in general the outlook of medieval thinkers was essentially conditioned by a common adherence to the Christian faith, and that indisputable principles of Christian theology were invariably their first and final criteria for the acceptance or rejection of any idea, old or new. It may be added that often the philosophers of this period, although conscious of the difference (primarily a difference in method) between theology and philosophy, drew no clear distinction between the two disciplines.<sup>2</sup>

In addition to maintaining the fuller explanation of natural law and reaffirming the existence of a new kind of divine law (known through Revelation), the political philosophy of the early Middle Ages introduced a new concept of society that gave this and the succeeding period one of their most typical features, if not their most characteristic trait: the concept of Christian society as one. St. Augustine, at the end of one era and the start of another, had already hinted at the idea. In his *City of God* he regards all Christians as forming a single spiritual society, and in his *De labore monachorum* he asserts that "the commonwealth of all

<sup>2</sup> "One of the main factors which brought about the drawing of a clear and methodical distinction between the sciences was the introduction of the main body of Aristotelianism to the knowledge of Christian thinkers in the second half of the twelfth and the early part of the thirteenth century. For acquaintance with a grand-scale philosophical system which obviously owed nothing to the Christian religion drew their attention sharply to the need of delimiting the two sciences in a methodical manner." (F. Copleston, *Mediaeval Philosophy* [New York: Philosophical Library, 1952], p. 13.)

Christians is but one." But what in Augustine's times was still a vague idea and, at any rate, more a hope than a reality, became true and alive during the course of the Middle Ages. Then all Christian peoples and nations of the world, as John VIII (d. 882) proclaimed, were considered one community, for they belonged to the Church of Rome as to their only mother. This is the meaning of Gregory VII's and Peter Damian's "*populus christianus*"—the Christian people, that is, all, wherever they may be, who profess the Christian faith. For medieval thought the religious factor was paramount: faith in Christ and membership in the Church were the indispensable prerequisites for any one, person or nation, to belong to Christendom. The society of all Christians was, however, under two governments, two authorities: one for temporal, the other for spiritual matters; and the respective functions of these authorities, as well as the principles regulating their mutual relations, continued to be, at least in theory, those which Pope Gelasius I had so comprehensively stated in 494 at a time when the two societies (the Church and the state) had not yet given way to one society. This is the famous Gelasian formula:

He [Christ] divided the functions of each [power], assigning to each its proper task and dignity. . . . The spiritual power remains far removed from the temptations of the world, and, campaigning for God, does not mix into the affairs of the world, while on its side the secular power takes care not to undertake the direction of divine things. By each one resting modestly in his place, each power avoids the pride of seizing absolute power, and thus holds a greater competence in the things that are his own.<sup>3</sup>

Another Christian factor that greatly influenced the political thought of the early Middle Ages was the idea of the divine origin of the king's power. This concept, derived from the classical text of St. Paul, had nothing in common with the pagan exaltation of the prince as voiced by Seneca and Pliny. Christians, of course, could no longer consider the ruler a sharer in the divinity. They

<sup>3</sup> *Tractatus de anathematis vinculo*, ed. by Theil (1868), Vol. I, p. 568. In a letter to the Byzantine Emperor Anastasius I, Gelasius reaffirmed the same principle in the famous passage that begins: "There are two powers, August Emperor, by which the world is chiefly ruled, the sacred authority of the Pontiffs and the royal power." See this letter in *Church and State Through the Centuries*, ed. by Ehler and Morrall (Westminster, Md.: Newman, 1954), p. 11.

viewed him as a vicar or a lieutenant of the true God, the representative of God's will. Again, it is obvious that this doctrine had no relation to the divine right of kings theory in vogue in the seventeenth century. In the Middle Ages it was the office, the power of the king, that was of divine right, not the king himself as an individual vested with civil authority. One would venture to add that the political writers of the early Middle Ages did not even intend to make a case in favor of the divine right of *kingship* as such. For them monarchy was not, in principle, the only form of government; but as it was the rule of the day, they employed the term "kingship" in a broad sense, as synonymous with "power" in general rather than in the narrow and exclusive sense of "monarchy." Be that as it may, kingship as such or political power in general was highly regarded by the writers of the early Middle Ages and he in whom it was vested was highly extolled and revered. The reason for this was primarily the lofty purpose assigned to civil authority. Its end, established by God, was justice. The king's aim was to secure, to enforce, to mete out justice among his subjects—so much so that his power was legitimate only insofar as it pursued this divinely appointed mission.

Moreover, the medieval philosophers gradually came to believe that the king, high as his office was, was accountable not only to God but also to the people, in some way at least, for his administration of justice. Thus they introduced the distinction between the just ruler (the king) and the unjust ruler (the tyrant). Obviously, in their view, the tyrant could not be the vicar of God, for he was not securing or enforcing justice. On the contrary, he was the vicar of the devil. To resist him, then, was not tantamount to resisting God. In the end, some medieval writers came to the conclusion that putting aside or even killing the tyrant was an act meritorious before God.

#### GERMANIC FACTORS

But what was the meaning of "justice" and "just" in that context? Justice was not only embodied in the divine law (natural and positive) but also in the human law of the realm. Until that time the king had but to observe God's precepts to be considered just. Above the law of the state, he could have amended it or derogated to it, *salva iustitia* of course. Now, however, a new ele-

ment, Germanic in mentality and practice, enters into the definition of justice. God's law, yes; but, in addition, the law of the tribe, the law of the realm; and, furthermore, the law of the realm is identified with customary law: the law observed from time immemorial. The Germanic idea, eventually incorporated in the political thought of the early Middle Ages, was that the term "law" no longer meant the law or decree made by the king but the laws of the nation made by the people as a whole.

This Germanic concept of the law, so alien in a sense to that of imperial Rome, had another consequence: it greatly curtailed and practically suppressed the legislative power of the ruler in the state. The law having been identified with *consuetudo*, it no longer owed its origin to the king. His function was reduced to discovering, to interpreting, to enforcing the customs of the nation and judging according to them. Again, since the laws were no longer his, he was now bound by them like everyone else. Thus customary law held sway over each and every member of the community—the king as well as the humblest freeman. In other words, what constituted justice was no longer the sovereign's will but the law, which in turn had its origin and justification in the will of the people.

These various principles (about the nature of the law and the extent of the king's authority) had already found expression, though not completely and systematically, in the ninth century with Alcuin (735-804), Rhabanus Maurus (784-856), John Scotus Erigena (810-877), Hincmar of Rheims (806?-882). But the theory embodying these doctrines was to be formulated more explicitly by the political writers of the eleventh and twelfth centuries, especially Manegold of Lautenbach (d. ?1103) and John of Salisbury (1120?-1180), under the converging impetus of another factor—the revival of the Roman law in Bologna and the work of the *glossatores* (writers of what was termed the *glossa*, the marginal and interlinear notes in the *Corpus Iuris Civilis*). These new forces were to emphasize a legal principle dormant for so many centuries: the old Roman principle that the only source of all authority and law is the people.

Indeed, if there was at any time in the early Middle Ages or in the period immediately preceding it even a trace of a divine right of kings theory, it fast disappeared. The prevalent medieval doctrine was that kings were not *legibus soluti*: they were bound



to the law and responsible to God and the people in their administration of justice. If unjust, the king ceases to be a minister of God and becomes a minister of the devil. Consequently, resistance to tyrannical rule becomes an act of justice—for its aim is the restoration of the justice that conforms to God's and the people's will. But to say that the king (the despotic king) may be deposed or ultimately disposed of by the people is equivalent to having his authority derive from them. Obviously totalitarianism was unknown to the Middle Ages. As McIlwain observes:

Political absolutism is an achievement of modern times. The Middle Ages would have none of it. But with medieval monarchy, as with feudal relations, the prevailing theory was one thing, the actual facts were often quite another. A nobler conception of kingship—a higher conception of government even—has seldom been expressed than that of the middle ages. . . . The main political defect of the time was not a lack of principles, but an almost total absence of any effective sanction for them. . . . Though the king was under law in theory, there was little effective machinery in existence to make this theory a practical reality.<sup>4</sup>

#### THE LATE MIDDLE AGES

Unlike the early Middle Ages, which saw political thought emerge slowly and laboriously from the confluence of three clearly identifiable factors, the late Middle Ages was a period of intense intellectual activity and multiform experience in political and other closely related matters.

With the second half of the eleventh century, the University of Bologna had become the center of a revival of Roman law.

<sup>4</sup> McIlwain, *The Growth of Political Thought in the West*, p. 197. In a sense, then, "the Middle Ages are not dead" (Barker) and one can therefore refer to "the eternal Middle Ages" (F. Kern). As to politics, these live in the following political principles: (1) the maintenance of justice is the purpose of the political organization; (2) the law as the concrete embodiment of justice is supreme (even the king is under God and the law); (3) power is a political responsibility: the subjects must observe the law and the king must maintain justice; (4) the state cannot touch certain aspects of the moral and spiritual life of man and must leave the Church free and independent. "No epoch was ever more free from 'totalitarianism' than the period which knew Catholic 'domination' at its highest." (J. Courtney Murray, "Contemporary Orientations of Catholic Thought, etc.," in *Cross Currents*, 5 [Fall, 1951], p. 52.)



Soon the *glossatores* added the weight of that law and jurisprudence to the emperor's pretensions. On the other hand the papal claims obtained new help and ammunition from the canonists, who, also in Bologna and not too much later, revived the study of canon law. Prominent among them was Gratian, a Camaldolese monk of Tuscan origin, who between 1140 and 1150 wrote his famous *Concordia discordantium canonum* (later called *Decretum Gratiani*, hence the word "decretists" applied to those who commented on it), in which the entire mass of canonical legislation was collected and rearranged.<sup>5</sup>

This is the period when, at the end of a long detour, Aristotle's works became available in Latin Europe; and with them, through the translations and commentaries of the Scholastics, many aspects of ancient culture were providentially rediscovered and assimilated.

At this time also, there were important indications of a new, vibrant, venturesome Europe. The Crusades, ephemeral though some of their gains were, reopened for good the whole of the Mediterranean, which Islam had closed for some centuries, and from then on maritime commerce became generalized. The medieval cities (in England, Italy, Provence, Germany, and Flanders) grew rapidly with trade and industry, and thanks to these a new order, the middle class (merchants, manufacturers, artisans), came to be recognized as an active part of society alongside the clergy and the nobility. It was such English cities as were in possession of charters of self-government that in 1215, led by Stephen Langton (1150?-1228), Archbishop of Canterbury, stood up against King John and, at Runnymede, extorted from him the *Magna Charta*—the Great Charter of English liberty, which solemnly recognized that *lex* is superior to *rex*. It contained in its final form thirty-seven clauses, among them the surrender of the royal claim to arbitrary taxation; the obligation to set up and make use of a general council; the institution of "due process,"

<sup>5</sup> The *Decretum Gratiani* was supplemented, between the thirteenth and the sixteenth century, by several collections of subsequent Church laws: the Decretals of Gregory IX (1234); the *Liber Sextus* promulgated by Boniface VIII (1298); the Constitutions of Clement V, called *Clementinae*, promulgated by John XXII in 1317; the *Extravagantes* of John XXII (1500); and the *Extravagantes Communes* (1500). To all these collections Gregory XIII in 1580 gave the title *Corpus Iuris Canonici*.

whereby one's imprisonment or exile or expropriation was to be sanctioned by the "lawful judgment of his peers, or by the law of the land."<sup>6</sup> In several countries of Europe, especially in France and England, the royal power became so consolidated as to cause a decline of feudal institutions and to challenge not only the emperor's authority but also certain traditional claims of the Church such as immunity from taxation. Suddenly the pope saw the national monarch, in a sense more redoubtable than the head of the Holy Roman Empire, standing up to him, refusing to submit or even to accept a compromise.

Finally, in the late Middle Ages a system of common law was developed in England, drawing its content and binding force from age-old usage and universal reception, while in almost all nations of Europe representative parliaments began to make their appearance. These were parliaments of "estates," that is, representative of the classes that composed medieval society: the noble, the knight, the priest, and the burgess. Only the low rural class was not represented, at least not directly.

### THE GREAT CONTROVERSY

But from a strictly political viewpoint, what dramatically dominated the late Middle Ages was the great controversy between the Church and the state. This struggle had several aspects or levels, various chapters, many participants. It was, first of all, an open conflict between the pope and the emperor. The issues at stake were sufficiently clear and definite. What each contestant sought was independence of the other. Thus Gregory VII, pope from 1073 to 1085, fought Henry IV in the so-called "Investi-

<sup>6</sup> The *Magna Charta* "rests directly upon certain fundamental principles of government which are part of Christian society. The Charter is in essence an admission by an anointed king that he is not an absolute ruler not only by reason of the moral law but also by reason of the terms of the coronation oath; that he has a master in the laws he has violated but now once more swears to obey; that his prerogative is defined and limited by principles more sacred than the will of kings; and that the community of the realm through their natural leaders, the barons, have the right to compel him to respect the essential equality of men by guaranteeing immunity from the arbitrary in a rule according to law." (J. F. Costanzo, "Catholic Politeia II," *Fordham Law Review*, XXI [December, 1952], p. 260.)

ture Controversy" over the appointment of bishops and the form and time of their investiture by the emperor. The pope wanted to purify and strengthen the ecclesiastical hierarchy by freeing it of all secular interference. Henry IV read in the pope's policy a threat to his feudal and imperial rights and an insult to civil authority in general. He refused submission and had a group of German and Italian bishops depose Gregory. Then he dispatched an emissary to Rome to command the pope "to descend from the apostolic chair . . . usurped by fraud, simony, and violence" and to tell the bishops assembled at the Lateran Synod (1076) that a new pope was soon to be elected: Gregory was "not a shepherd but a rapacious wolf." The message was delivered. The following day Gregory excommunicated "Henry the King, son of Henry the Emperor," forbade him the government of Germany and Italy, and freed his subjects from their oath of loyalty. These were stunning declarations, and they were followed by equally courageous deeds until their author, a lover of justice and hater of iniquity, died as a consequence in exile. But on what principle was Gregory's action based? The common and more sensible explanation is that he acted on what was later termed, neither too accurately nor happily however, the Church's "indirect power"—an extension of the spiritual, which, although bearing on temporal matters, does so for a purely spiritual purpose. In fact, in deposing Henry, Gregory did not appeal to medieval public law but only to priestly authority, and he regarded the deposition not as an effect of the excommunication but as a distinct and true exercise of power. He had pondered Christ's words "Whatever thou shalt bind on earth shall be bound in heaven" and he had not found kings excepted: ". . . are they not sheep of the flock which the Son of God committed to the blessed Peter?"

Another struggle took place during the pontificate of Innocent III. When he became pope in 1198, he was thirty-seven years old, a cardinal, but not yet a priest. It was under him that the effective sovereignty of the pope over the whole public life of Christendom reached its zenith. Innocent clashed first with the electors of the empire. Claiming a right of intervention in the election and coronation of the emperor on two grounds (one historical—the transfer of the imperial authority from the East to the West effected by the Holy See; the other juridical—the granting of the

imperial crown also by the Holy See),<sup>7</sup> he supported Otto of Brunswick against Philip of Swabia. Later Innocent clashed with Emperor Otto, whom he excommunicated in 1210, and with Philip Augustus of France and John Lackland of England, both guilty of bigamy, whom he tried to bring to their senses by placing their countries under most severe interdicts. These new and forceful interventions were based on the nature of papal jurisdiction, spiritual in itself and temporal only *per accidens*: "a power grounded on the pope's duty as Vicar of God to judge of the sins [*de peccato*] of all Christians, not on his rights as a temporal ruler to administer law for his subjects."<sup>8</sup> It was this kind of jurisdiction that entitled the pope to intervene whenever a Catholic was guilty of a grave crime or scandal, Innocent III claimed; but he made no claim to any direct authority in temporal affairs.

Another phase of the conflict saw a Genoese pope, Innocent IV, struggling fiercely against a shrewd, skeptical, and extremely intelligent emperor, Frederick II (1212-1250). Frederick aimed at destroying the Church as a society independent of the state and reviving the old, pagan, all-powerful state. He repeatedly asserted that the emperor was above all laws and responsible only to God ("*omnibus legibus imperialiter est solutus*"). In 1245 Innocent convoked a general council at Lyons. Frederick was tried and found guilty (perjurer, persecutor of the Church, invader of the papal states, suspect of heresy, protector of the Saracens). Innocent pronounced the sentence: excommunication and deposition. In so doing he seemed to lean toward the idea that the pope had

<sup>7</sup> Innocent's stand on the election of the emperor is clear in the decretal *Per venerabilem* (1202). The electors (princes and bishops of the empire) were free to elect the king of Germany but it was within the pope's power to examine and even to reject their candidate for the imperial office. The king becomes emperor only upon consecration, and the pope judges him worthy of this lofty office only if he be a friend and protector of the Church.

<sup>8</sup> McIlwain, *The Growth of Political Thought in the West*, p. 233. Innocent's attitude is further explained in his decretal *Novit Ille* (1204): "It was not our intention to judge about the fief, for such judgment belongs to him [the emperor], but to judge about the sin: undoubtedly the censuring of the sin belongs to us and we can and must exercise this power on anyone." The text of this decretal, as well as that of *Per venerabilem* and *Unam sanctam*, appears in Ehler-Morrall, *Church and State* . . . , pp. 69-71, 67-69, 90-92.



jurisdiction in temporal matters, but unlike Gregory VII and Innocent III before him, he did not make it clear that such power was only indirect. Nor did he clearly assert the pope's power on secular affairs to be direct, but undoubtedly he was moving in that direction.

In the fourth phase of the Church-state controversy the *dramatis personae* were Boniface VIII, a man somewhat rough and impulsive by nature, and Philip IV, called the Fair (1285-1314), a proud and ambitious king bent on extending the royal power. At first (1296-1297) the conflict had to do with the temporalities of the clergy and the question of the French king's right to levy taxes on ecclesiastical property. Without consulting the pope, Philip had exacted such contributions. The French clergy appealed to Rome, and Boniface issued a famous bull, *Clericis laicos* (1296). It was a restatement of the traditional doctrine: the secular power must not levy taxes on the Church and the clergy without the Church's consent. In defiant response, the king proclaimed the supremacy of the state in its own domain: in temporal matters, none in this world is superior to the king. Boniface replied in conciliatory terms that it was far from his intention to challenge Philip's rights as king; that he wanted merely to prevent abuses and safeguard the principle; that, in fact, he was ready to allow the king to levy taxes even without consulting the Holy See in certain cases. There followed a four-year period of uneasy peace. Then in 1301 the conflict flared up again. Philip had not only continued to claim the *ius regaliae* (the right to receive the income of ecclesiastical benefices during their vacancy) but had gone so far as to order the arrest of the bishop of the newly created diocese of Pamiers. When Boniface saw his protest disregarded, he sent the king the bull *Ausculda fili*, in which the king's subjection to the pope *ratione peccati* was again vindicated and the latter was said to be a sort of spiritual director to the temporal rulers. In addition, the bull listed Philip's public crimes and threatened deposition.

Ill-advised by his henchmen, especially the French civil lawyer Pierre Flotte, the king had a false bull circulated whereby the pope was made to claim direct authority over France. Also, the king invited clergy and nobility to defy such an absurd pretension. This both estates did: the clergy wrote to the pope, the nobles to the cardinals. Replying to the French clergy, Boniface denied the



falsely ascribed claims: "For forty years now we have been trained in law, and we know that there are two powers ordained by God. . . . The king cannot deny, nor any other of the faithful whosoever he is, that he is subject to us on the ground of sin."<sup>9</sup> Shortly afterward (October 1302) Boniface VIII issued the bull *Unam sanctam*, whose final statement is a solemn proclamation of the same doctrine: "We declare, we affirm, we define, and pronounce that for every human creature it is absolutely necessary for salvation to be subject to the Roman Pontiff." A careful reading of the bull shows that Boniface abstained from any explicit claim to a direct authority in temporal affairs. The theory he put forward in this document and particularly in its final definition is not new but repeats more or less the doctrine advanced by Innocent III in his decretal *Per venerabilem*. Some reject this conclusion and consider the bull *Unam sanctam* a clear, official formulation of the theory of the pope's *plenitudo potestatis*—his fullness of power both in spiritual and temporal matters. Others, while conceding that Boniface VIII never officially asserted *in word* that the pope possessed a direct power over temporalities, wonder if he did so *in action*, or at least believed this as a private person. One would rather say that it colored his thought to a certain extent; yet, neither with him nor with other popes did the direct power theory ever become Catholic doctrine in the strict sense.

The last chapter in the medieval Church-state contest saw Pope John XXII (1316-1334) in conflict with the Emperor Louis of Bavaria. This struggle was marked by much bitterness and resentment and acridity on both sides. The situation was complicated by the fact that the pope was a Frenchman and, though bishop of Rome, had never visited it, choosing to reside with his Curia (composed mainly of French cardinals and prelates) in Avignon, practically under the control of the French king. Many in Italy and Germany resentfully rallied to Louis against the pope. The number and the power of the discontented forces were increased by a split in the Franciscan order over the issue of poverty: the extremists or Spirituals (who wanted absolute poverty restored in the order) joined the ranks of the imperial opposition to the pope, who had approved some mitigations of the old Franciscan rigidity. As to the specific claims of pope and emperor, they remained unaltered.

<sup>9</sup> Quoted by McIlwain, *op. cit.*, p. 245.

## WRITERS ENGAGED IN THE DEBATE

The medieval Church-state conflict was not limited to the duel between their highest representatives. It was also a passionate contest between two currents or schools, an obstinate and often angry polemic between the supporters of the ecclesiastical side (variously called canonists, decretalists, curialists, papalists) and the emperor's or king's partisans (called legists, civilians, royal or civil lawyers).<sup>10</sup> Here, on this lower level, the contestants generally went much farther than their leaders, discussing not only the problems at issue but probing into all possible ramifications, direct or indirect, of the subject of authority, drawing their arguments not too discriminately or scrupulously from all kinds of sources (Sacred Scripture, theology, philosophy, history, canon law, Roman law, mythology), often making wild statements and extravagant claims. For instance, some canonists of the thirteenth and fourteenth centuries held that the power of the state was completely and directly subordinate to the Church and the papacy even in temporal matters—a doctrine never endorsed in official papal documents. And some of the lawyers saw the Church as a mere department of the state and asserted that the body of all the faithful was the source of all ecclesiastical authority and that the clergy lacked any *potestas iurisdictionis*. At some point or other the dispute was bound to become almost hopelessly confused and embittered. Perhaps the problem between the *libertas ecclesiastica* and the *libertas regalis* remained unresolved because both factions were unable or unwilling to confine their respective claims within the range of theological truth and the field of political reality.

Notwithstanding the heated discussions, the controversialists agreed on several points: Church and state were two aspects of one society—Christendom, men's universal community at least in destiny; both institutions were legitimate and necessary; they owed their existence to God's ordinance. It was even granted that, in a sense, the spiritual power, embodied in the pope and the bishops, was somewhat superior to the secular. Strange as it seems, it was this very agreement on certain fundamental principles that kept the debate in progress. When, with Marsilius, the true distinction

<sup>10</sup> This controversy gave rise to a new kind of political literature: the popular.

between the faithful and the hierarchy was repudiated and when, with the emergence and strengthening of the modern nation-states, the idea of a single society became obsolete, the Church-state controversy as it had raged in the medieval context came suddenly and inevitably to an end.

The writers who engaged in the debate fall into three classes. There were representatives of the extreme curialist view, who affirmed the supremacy of the Church even *in temporalibus*. There were the representatives of the extreme imperialist or regalist view, who minimized the power of the Church even *in spiritualibus*. And finally, mediating between the canonists and the lawyers, the representatives of the *via media* asserted the supremacy of the Church without diminishing the normal independence of the state.

To the first class belonged, among others, John of Salisbury, Henricus de Segusia, Aegidius Romanus, and James of Viterbo. John's ideas will be discussed at length in a separate chapter. Henricus de Segusia (Henry of Susa), Cardinal of Ostia (*Hostiensis*), is the author of a *Summa super titulis Decretalium*. In it he views the emperor as the official or vicar of the pope, and the latter as the only head "we ought to have, the lord of things spiritual and temporal." These ideas were later reaffirmed and more fully developed by Aegidius Romanus. Henricus died in 1271.

Aegidius Romanus (Giles of Rome, 1243?-1316), of the Colonna family, was a member of the Order of the Hermits of St. Augustine and a doctor of civil and canon laws. In 1295 he was appointed archbishop of Bourges. His *De ecclesiastica potestate* (1301), dedicated to Boniface VIII, is the most rigid expression of the medieval hierocratic theory. Aegidius makes the pope competent in all matters, spiritual and temporal: he rules the world as supreme lord in his own right; the princes are subject to him even in their secular administration. In a word, the ecclesiastical power is unlimited: "the fullness of the power in the Church is such that it is without weight, number, and measure." Aegidius also wrote *De regimine principum*, published probably between 1277 and 1279. This political treatise, on the norms that must regulate the private and public life of a civil ruler and on the essence of the royal power, was dedicated to Philip the Fair, then not yet king. Significantly there is in it no treatment whatever of Church and state relations. But *De regimine principum* rapidly became widely read and very influential. McIlwain defines it as "one of the

ablest and most interesting political treatises of the whole Middle Ages." <sup>11</sup>

James of Viterbo (1256?-?1308) was also a member of the Augustinian order and a doctor in theology from the University of Paris. In 1302, Boniface VIII appointed him archbishop first of Benevento and then of Naples. His *De regimine christiano* (1302) is a treatise on the Church conceived as a spiritual power and a *congregatio politica* as well. Both spiritual salvation and political life are possible only within the Church. The pope is priest (through the power of orders) as well as king (through the power of jurisdiction); and his royal power is so all-embracing that even civil rulers are subject to him. Always concerned with the concept of a unitary social order (in line with the law of unity so inherent in medieval thought), James does not admit any dyarchy even in the government of mankind: at the summit of the two hierarchies, secular and ecclesiastical, he places the Roman pontiff. The temporal power is from God but only mediately—*mediante papa*. Consequently, "every human power is imperfect unless it is approved and made perfect by the spiritual power, whose fullness is possessed by the pope." Human law can entitle one to govern mere men; but one can govern Christians only by divine law, and the pope is its custodian and dispenser. Him the rulers of this world must obey as they would Christ Himself, and should a conflict arise between these and the pope, their subjects must side with him.

Of all who wrote against the papal claims the most radical was Marsilius of Padua, the physician and theologian who supported Louis of Bavaria against Pope John XXII. In his *Defensor Pacis* (1324), Marsilius maintained that God is the ultimate and the people the immediate source of all power, including the power of the Church. The Church hierarchy was denied any power of jurisdiction and made directly to rely on the people and the state for the formulation of her dogmas, the enactment of her laws, and the appointment of her bishops.

In favor of a strong and independent secular power and in favor also of the independence of the spiritual power were Dante Alighieri and John of Paris. Dante, in *Monarchia*, insisted on the rigid distinction and mutual independence of the two authorities (each sovereign in its respective field). He also emphasized the

<sup>11</sup> McIlwain, *op. cit.*, p. 248.



emperor's duty of filial reverence to the pope. John of Paris (Jean Quidort; d. 1306) in his *De potestate regia et papali*, alongside imprudent suggestions and incorrect principles later used by Gallican theorists, sketched the main lines of a system of Church-state relations worthy of consideration even today. Bellarmine himself praised John as one of the supporters of the "middle ground common to Catholic theologians" in regard to the power of the Church in temporal matters. One could add that John's synthesis, though incomplete and by no means completely original, is the most refreshing and modern of the medieval revaluations of Gelasius' formula. Basically, he is against the extremists of both sides: those who so confined ecclesiastical power as to forbid any influence in the temporal sphere, and those who so extended it as to make the pope, in principle at least, the final arbiter of all temporal issues and the emperor a mere minister of the priests. This is the gist of John's doctrine. The two powers are truly distinguished, both derive immediately from God, neither is contained in the other. The temporal power is competent in whatever concerns the end of civil society: justice, peace, and prosperity in the human temporal order. Outside this area the king or emperor is totally incompetent. On the other hand, the power of the Church, also direct from God, extends to all matters pertinent to eternal salvation. It is a power spiritual in character and purpose; and as such, in principle, it has no right to intervene in purely temporal affairs. Yet, because of the primacy of the spiritual order (and the Church's purpose is definitely superior to the state's), there may be occasions when the power of the Church reaches, although indirectly (not *per se* but *per accidens*), into the temporal order. Thus the pope, though without authority in governmental matters, instructs even kings in matters of faith and morals. While incompetent to judge transgressions of human law (civil crimes) as such, it is within his exclusive jurisdiction to judge whether or not an act is a sin. As to the Church's sanctioning her judgments with penalties bearing upon the temporal order (especially with the deposition of kings), John denies so direct a power. But it may happen that the pope, in inflicting an ecclesiastical censure (excommunication, suspension, interdict—penalties that *per se* and directly are only spiritual), indirectly and *per accidens* produces some effect on the temporal and political life of the community. Thus, in actual depositions, the king is directly deposed



not by the pope but by the people "acting with a conscience informed by the pope."<sup>12</sup>

Among the political writers of the late Middle Ages, St. Thomas, the greatest Catholic philosopher and theologian, occupies a special place. His contribution to political thought is another remarkable indication of his depth of realism and universal range of vision.

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<sup>12</sup> For a good summary of John of Paris' theories about Church and state, see John Courtney Murray's article (in *Theological Studies*, X [June, 1949]; reprinted in *Cross Currents* [Fall, 1951]) quoted above.

## CHAPTER VIII • *John of Salisbury*

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### LIFE

**J**OHNN PETIT, commonly known as John of Salisbury from the place of his birth in or about 1120, studied logic in Paris under Abélard from 1136 to 1138, and Latin literature in Chartres from 1138 to 1140. In 1141 he returned to Paris, where he continued his studies, probably until 1145. In 1148, at the Council of Rheims, Bernard of Clairvaux introduced him to Theobald, Archbishop of Canterbury. Returning to England in 1150, John became Theobald's secretary and from time to time was engaged by the king in the diplomatic service. In both capacities he traveled frequently to Rome and several times met Adrian IV (1154-1159), the only English pontiff in history. In his *Policraticus*, John tells that the pope admitted him "to his closest friendship" and once kept him at the papal court in Benevento for almost three months.

Another of John's friends was Thomas à Becket, then chancellor of King Henry II, and later (1162), on the death of Theobald, his successor in the see of Canterbury. In time both Thomas and John incurred the king's disfavor by their firm defense of the rights of the Church and were eventually forced to leave England. After about six years in France they returned to Canterbury in 1170. On November 29 of that year, Thomas was murdered in his cathedral by the king's emissaries.

In 1176 John was appointed bishop of Chartres, the city of his humanistic studies. His episcopate was a brief one, for he died in 1180 at the age of sixty.

#### THE POLICRATICUS

John's writings, most of them in Latin, treat of a variety of subjects—history, logic, poetry, politics—and bear witness to his diversified culture and interests. His political views are expressed in the *Policraticus* or "Statesman's Book," a work in eight books that he finished in 1159.

The *Policraticus* is the most comprehensive and systematic political treatise written in the Middle Ages before the rediscovery of Aristotle's *Politics*. Its main topics are the nature of the commonwealth, the concept and obligation of a "higher" law, rights and duties of the ruler, tyranny and tyrannicide, and Church and state relations.

Most of John's opinions are a faithful reflection of the medieval tradition as it had evolved from the time of Augustine. Also typically medieval is John's heavy reliance on quotations and examples from Scripture and from classical and ecclesiastical history. But while adhering strictly to ideas and methods of his age, John's discussion is characterized by a healthy respect for reality. He sees danger in overstressing theory; he knows how to find compromises for even opposite points of view; he is not blind to errors and vices in whatever camp they appear; he is unusually frank with the powerful and yet possessed of a refreshing sense of balance and humor. His *Policraticus* reads smoothly and interestingly even today.

#### THE COMMONWEALTH

A commonwealth "is a certain body which is endowed with life by the benefit of divine favor, which acts at the prompting of the highest equity, and is ruled by what may be called the moderating power of reason."<sup>1</sup> John likens the body politic to a natural organism. It is made up of various parts hierarchically and

<sup>1</sup> *Policraticus*, Book V, chap. 2. Selections from the *Policraticus* are taken from the translation of J. Dickinson in *The Statesman's Book of John of Salisbury* (New York: Alfred A. Knopf, 1927).

harmoniously related in their functions. There is a soul in that body—the priests, who are God's ministers and have "rulership over the whole."<sup>2</sup> There is a head—the prince, "who is subject only to God and to those who exercise His office and represent Him on earth."<sup>3</sup> There is a heart—the senate. There are eyes, ears, and tongue (judges and provincial governors), hands (officials and soldiers), stomach and intestines (officers in charge of public finances), and feet (husbandmen). In addition, the commonwealth is firmly united by a spiritual bond, "an enduring union of wills . . . a cementing together of souls . . . a real spirit of helpfulness."<sup>4</sup> The working together of the various parts, necessary as it is, would not be enough to make the commonwealth prosper. "The solidest union is that which is cemented with the glue of faith and love, and stands wholly upon the foundation of virtue."<sup>5</sup> John's treatment of the nature of the commonwealth re-echoes Platonic and Aristotelian concepts. Both Plato and Aristotle speak of a state consisting of parts and having an ethical purpose. But then John departs from the classic view by making both state and virtue essentially Christian and granting the priests the dominant position in the body politic. As to the functions assigned the various parts, John is more consonant with Plato than with Aristotle. His scheme is rigid and static, for the farmers and traders and artisans lack any collective voice in the ordering of the state. There is no way for them actively to participate in government. Their status in the organism is a passive one. They have only duties.

#### THE LAW

Cicero had transmitted to the Christian world the Stoic concept of a universal law of reason binding upon every man and every human association. Christianity developed and perfected this concept. By John of Salisbury's time it was common belief that a higher law stood above all earthly powers, indisputably ruling over them as well as over each individual. This law cut across the different levels of Christendom and permeated the various orders of authority. Private persons, families, lower communities,

<sup>2</sup> *Ibid.*

<sup>4</sup> *Ibid.*, 7.

<sup>3</sup> *Ibid.*

<sup>5</sup> *Ibid.*

national states, empire, and Church—all were subject to it. It was this subjection to the higher law that gave unity to the otherwise parceled medieval society and served as a counterpoise to the centrifugal force of feudalism.

The Stoic asserted the existence of a higher law but had great difficulty in finding out what precisely were its precepts. For the Christian the solution of the problem was greatly simplified. The law of nature and reason was the law of God. God had spoken. There was a record of His statements: Scripture and Tradition. Moreover God had instituted a Church—visible, hierarchic, indestructible. It was her task infallibly to interpret the content of Revelation and therefore the rules of divine law, both natural and positive, included therein.

Now John, in his discussion of law, conforms strictly to the medieval view. For him and his contemporaries "law is the gift of God, the model of equity, a standard of justice, a likeness of the divine will, the guardian of well-being, a bond of union and solidarity among peoples, a rule defining duties, a barrier against the vices and the destroyer thereof, a punishment of violence and all wrong-doing." <sup>6</sup> When law is attacked or undermined, "it is the grace of God which is being assailed . . . it is God himself who in a sense is challenged to battle." <sup>7</sup> This higher law is superior to all, individual and state, pope and king, faithful and priest, vassal and lord. Its rules are found in the Bible and, in part, restated in the *Corpus Iuris*, the body of Roman law compiled by order of Justinian I (A.D. 483-565). The priests are their official interpreters. Consequently, the prince must listen to God's ministers as a disciple to his teachers. He must obey the higher law under penalty of becoming a tyrant. He must always act in conformity to it not out of fear of human punishments, to which as ruler he is not subject, but out of love for justice.

All are . . . bound by the necessity of keeping the law. . . . However, it is said that the prince is absolved from the obligation of the law; but this is not true in the sense that it is lawful for him to do unjust acts, but only in the sense that his character should be such as to cause him to practice equity not through fear of the penalties of the law but through love of justice.<sup>8</sup>

<sup>6</sup> *Ibid.*, VIII, 17.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*, IV, 2.



## THE PRINCE

The only form of government John recognizes is monarchy. He greatly extols the person and rights of the prince while insisting no less earnestly on his duties. "The prince stands on a pinnacle which is exalted and made splendid with . . . great and high privileges."<sup>9</sup> "The prince is the public power, and a kind of likeness on earth of the divine majesty."<sup>10</sup> His is a "religious office"<sup>11</sup> for it is concerned with the execution of the sacred laws. "Great honor and reverence are to be shown to him."<sup>12</sup> At the same time, "the prince . . . is the minister of the common interest and the bond-servant of equity [law], and he bears the public person."<sup>13</sup> He is responsible for the state. He is the servant of the people. With regard to public matters he has no will of his own "apart from that which the law or equity enjoins, or the calculation of the common interest requires."<sup>14</sup>

But in a sense he is not answerable to the commonwealth. There is no positive law in the land whereby he can be judged, no legal machinery in the state whereby he can be taken to task for his actions. The prince is the guardian, the commonwealth is the ward. He is accountable solely to God. "Therefore let the prince fear God . . . [for] the prince is the Lord's servant."<sup>15</sup> He must also excel in the practice of virtue so as to please God and make the entire community happy. John's list of the king's virtues is long and detailed. It includes chastity, liberality, knowledge of letters and law, humility, impartiality, justice tempered with mercy, concern for the poor and the helpless, love and zeal for the Church and the propagation of the faith. True to medieval custom, John does not distinguish between public and private virtues. Personal and political morality are both required of the prince if he is to be worthy of God's trust and successful in his administration.

In answer to the question "does the prince receive his title from election or from inheritance?" John evades the rigid terms in which the issue was debated in his time. He seeks a compromise. He excludes neither the hereditary nor the elective principle. According to him it is God who gives the royal title and authority to

<sup>9</sup> *Ibid.*, 1.<sup>10</sup> *Ibid.*<sup>11</sup> *Ibid.*, 3.<sup>12</sup> *Ibid.*<sup>13</sup> *Ibid.*, 2.<sup>14</sup> *Ibid.*<sup>15</sup> *Ibid.*, 7.

the one who has been designated king through election by the people or the priests, or through succession. Circumstances dictate the choice of one or the other means. Thus John, while condemning the theory of absolute inheritability of public offices, grants the king's children a presumptive right to the throne. "It is not right to pass over, in favor of new men, the blood of princes who are entitled by the divine promise and right of family to be succeeded by their own children, provided that . . . they have walked in the judgments of the Lord." <sup>16</sup>

#### TYRANNY AND TYRANNICIDE

John sees the possibility of tyranny in every power, whether in the state, the Church, the family, or any other human relationship. As to tyranny in the state, it obtains when one, no longer governing in conformity to divine law for the common good, "oppresses the people by rulership based upon force . . . [and] thinks nothing done unless he brings the laws to nought and reduces the people to slavery." <sup>17</sup> The prince "is a kind of likeness of divinity"; <sup>18</sup> the tyrant is "a likeness of the boldness of the Adversary, even of the wickedness of Lucifer." <sup>19</sup> "Nothing is worse than tyranny." <sup>20</sup>

What is to be done with tyrants? John counsels passive resistance to their unjust laws, humble prayer to God that the scourge of tyranny be turned aside, conversion of morals, and patient waiting. Positive action must be left to God, the source of all power (even of the power that the tyrant so flagrantly abuses), who knows how to use "our ills for His own good purposes." <sup>21</sup> In due time Providence will put an end to tyranny by either destroying or converting the despot. There is no doubt in John's mind that if the tyrant persists in malice God will punish him. All tyrants, he claims, come to a bad end. "Wickedness is always punished by the Lord; but sometimes it is His own, and at others it is a human hand, which He employs as a weapon wherewith to administer punishment to the unrighteous." <sup>22</sup> Thus tyrann

<sup>16</sup> *Ibid.*, V, 6.

<sup>18</sup> *Ibid.*

<sup>20</sup> *Ibid.*, 18.

<sup>22</sup> *Ibid.*, 21.

<sup>17</sup> *Ibid.*, VIII, 17.

<sup>19</sup> *Ibid.*

<sup>21</sup> *Ibid.*

nicide becomes an act of God performed through the instrumentality of an individual citizen.

John had to find a way out of his dilemma. His concept of government did not recognize any positive agency whereby the body politic could judge the lawfulness of the ruler's actions, or any legal, constitutional means for his correction or deposition. Yet the prince, once turned tyrant, might so oppress the community as to become unbearable. The only way out was to see in the tyrant's killer an agent of God. Thus tyrannicide was justified, not in terms of human law but in terms of God's will and inescapable justice. In reality, as St. Thomas was to point out, this doctrine was dangerous, for it could easily lead to rash and irresponsible deeds on the part of individuals acting on their private judgment.

#### CHURCH AND STATE

John of Salisbury definitely favors the extreme view of the papal plenitude of power. His theory confuses the competencies of the Church and the state (each in reality distinct and independent in its own sphere), or at least exaggerates one at the expense of the other. For him ecclesiastical authority is truly supreme and direct not only in spiritual but also in temporal matters. John's statements to this effect are frequent and unambiguous.

He argues for the primacy of the priesthood by reason of the pre-eminence of the Church's end and function. The Church has the higher aims and tasks. Religious as it is, the prince's office is "inferior," for it "consists in punishing crimes, and therefore seems to be typified in the person of the hangman."<sup>23</sup> In the organic body to which John analogically compares the Christian commonwealth, the priests, as God's ministers, hold the place of the soul; and "since the soul is . . . the prince of the body, and has rulership over the whole thereof so [the priests] preside over the entire body."<sup>24</sup> Accordingly, the prince, although filling the place of the head in the same body, "is subject only to God and to those who exercise His office and represent Him on earth, even as in the human body the head is quickened and governed by the soul."<sup>25</sup>

<sup>23</sup> *Ibid.*, IV, 3.

<sup>24</sup> *Ibid.*, V, 2.

<sup>25</sup> *Ibid.*

John uses another analogy, that of the two swords symbolic of the spiritual and the temporal power, to make his point for ecclesiastical supremacy.

This [temporal] sword . . . the prince receives from the hand of the Church. . . . She has this sword, but she uses it by the hand of the prince, upon him she confers the power of bodily coercion, retaining to herself authority over spiritual things in the person of the pontiffs. The prince is, then, as it were, a minister of the priestly power, and one who exercises that side of the sacred offices which seems unworthy of the hands of the priesthood.<sup>26</sup>

It is debatable whether John actually intended with these assertions to grant the Church a strict legal sovereignty over the state or simply moral authority. His sweeping premises seem logically to call for the former conclusion. John himself, however, was careful not to draw it explicitly.

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<sup>26</sup> *Ibid.*, IV, 3.

## CHAPTER IX • *St. Thomas Aquinas*

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### LIFE

**S**T. THOMAS, the great tower of knowledge and wisdom, was born in 1225 in the ancestral castle at Roccasecca, near Naples, to an old and noble family. At the age of five he was sent to the famous Benedictine monastery of Monte Cassino. There, under the direction of his uncle, Abbot Sinebald, he received his first education. Thomas continued his studies at Naples, where he met several members of the order newly founded by the Spaniard St. Dominic. Their holy life coupled with their great love for learning led him to join them. In the spring of 1244 he received the Dominican habit much against the wishes of his influential family and he immediately moved to the monastery of Santa Sabina in Rome. To escape the continued opposition of his relatives, he set out for France, but he was overtaken by his brothers and detained for a year in a fortress. Finally, having withstood all sorts of pressure, the young novice was allowed to follow his vocation. In the company of the general of the order he went to Paris, the "city of philosophers";<sup>1</sup> and thence to Cologne, where from 1248 to 1252 he studied under Albert the Great.

<sup>1</sup> Men of all races, countries, and walks of life converged at Paris in quest of wisdom. In the cosmopolitan atmosphere of the lecture rooms of the City on the Seine one could meet the best representatives of medieval culture: Abélard from Brittany; Hugo and Albert from Germany; John of



His theological studies completed, Thomas spent his time teaching and writing, first in Paris (1252-1259), then in various parts of Italy (1259-1269), then again in Paris (1269-1272), and finally in Naples (1272-1274). At the beginning of 1274, summoned by Gregory X, he left Naples, and with his faithful companion Reginald of Piperno proceeded to Lyons for the General Council held in that city. On the journey he fell ill. At his request he was brought to the Cistercian monastery of Fossanova, near Terracina. He died there, shortly after midnight, on March 7, 1274, at the age of forty-nine.

#### THE GREATEST OF THE CHURCH DOCTORS

During his relatively short life St. Thomas wrote an impressive number of books, all in Latin, totaling more than thirty volumes in folio, in which he daringly and serenely probed into the deepest problems of God and man, faith and reason. Science, philosophy, and theology found in him a perfect synthesis. A passionate seeker of truth, Thomas indefatigably searched the most diverse doctrines until he found a common center and reduced them to unity. He did this despite difficulties and distractions of every kind. Strange as it may seem, St. Thomas was bitterly attacked by many of his contemporaries and, more often than not, drawn into the thick of furious and protracted controversies. He was a man of peace and enjoyed nothing more than prayer and study in the sacred solitude of the cloister, but when truth was at stake he never shirked a fight or compromised with error. Thus he valiantly resisted the criticism of those who would have excluded philosophic reasoning from the province of theology; against the younger Franciscan school, he openly declared himself for the primacy of the intellect over the will; against the theories of Gerard of Abbeville, who

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Salisbury, Roger Bacon, and Duns Scotus from England; Peter, Bonaventure, and Thomas from Italy. Paris was indeed an international aggregate of scholarship, a center of learning for the entire Christian world, a truly *universitas nationum* beyond and above the narrow limits of cities, regions, and kingdoms. One faith, the Catholic; one language, Latin; one system, Scholasticism; one pursuit, knowledge; and yet all these unifying elements did not prevent free, exciting, often tumultuous debate; the formation of conflicting schools and currents; the uninhibited airing of new theories and ideas. See Henry Osborn Taylor, *The Mediaeval Mind*, Vol. II (London: Macmillan, 1930).

with others accused the Mendicants of being innovators and egoists, he extolled the perfection of religious life; against the Latin Averroists of the University of Paris, chief among them Siger of Brabant, he consistently favored a Christian interpretation of Aristotle. On certain issues even some of his fellow religious opposed him, lectured and preached against him, condemned parts of his doctrines. But the Church was quick to recognize his eminent sanctity and his exceptional contribution to Catholic philosophy and theology. John XXII canonized him in 1323. At the Councils of Lyons, Vienna, Florence, and The Vatican, his doctrine provided the best refutations of the schismatic Greeks, the heretics, the rationalists. At the Council of Trent two books were placed on the altar—the Bible and the *Summa*. On April 11, 1567, St. Thomas was declared a Doctor of the Church. In 1879, Leo XIII issued the encyclical *Aeterni Patris*, which re-presented Thomistic thought and recommended it to Christianity as the most apt to ensure the triumph of religion. Shortly afterward, the same pope proclaimed St. Thomas patron of Catholic schools. The succeeding popes—Pius X, Benedict XV, Pius XI, Pius XII, John XXIII—added their unqualified praise of the Angelic Doctor. Canon 1366 of the new Code of Canon Law orders instructors in Catholic schools to “follow St. Thomas’ method, doctrine, and principles and steadfastly adhere to them.”

### THE PHILOSOPHER

In the field of philosophy, one of St. Thomas’ outstanding achievements is that of having Christianized Aristotle. The discovery and appropriation of the Stagirite by the Christians was not exclusively the work of Thomas, but he contributed most to the difficult task and brought to a brilliant conclusion the painstaking efforts of his predecessors.

By the end of the eleventh century practically all of Aristotle’s works were known in the West through the contact of Christian scholars with Jewish and Arabian philosophy. Not only Latin translations of Aristotle appeared at that time but also translations of commentaries on him by Arab and Jewish authors.<sup>2</sup> Unfortu-

<sup>2</sup> Most illustrious among the Arabs are Avicenna of Bokhara (d. 1037), Al Farabi, and Averroes of Cordoba (d. 1198). Of the Jews, Avicbron (d. 1070) and Maimonides (d. 1204) are well known.

nately his thought had reached the West deformed by translations of translations and clouded by incorrect interpretations of non-Christian commentators. No wonder then that Aristotle was regarded with suspicion and incurred the condemnation of popes, bishops, and theologians.

The Scholastics came to his rescue. They translated his works directly from the original Greek.<sup>3</sup> They corrected the erroneous interpretations of the Arab commentators, who had appropriated the Greek philosopher and used him to fight Christian dogma. Against Averroes, whom Thomas defined "not a peripatetic but a perverter of peripatetic philosophy," there rose both Dominicans and Franciscans, and through a careful study of Aristotle's texts they came to the conclusion that while some of his ideas had to be rejected, many could be safely endorsed.

It was chiefly St. Thomas who freed Aristotle of opinions falsely ascribed to him, clarified those points that lent themselves to ambiguity, and brought to completion his defective theories on ethics and natural theology. This newly discovered, true and purified Aristotle became a powerful ally of Christian culture, giving invaluable support to St. Thomas' thesis that theology does not destroy philosophy and that the rational contribution of the ancients could be reconciled with Christianity and become more rational within it.<sup>4</sup>

#### THE THEOLOGIAN: THE SUMMA

In the field of theology, St. Thomas completed the monumental but fragmentary work of the Fathers of the Church and codified the entire Catholic doctrine. The Fathers had illustrated this or that truth, not all truths; they had refuted this or that error, not all errors. St. Thomas gathered all the available material, including the best of the pagan philosophers, enriched his findings with the fruit of his own studies, arranged the scattered parts into

<sup>3</sup> The *Ethics to Nicomachus* was translated by Robert Grosseteste (*Robertus grossi capitis sed subtilis intellectus*), a teacher at Oxford and later bishop of Lincoln. Other works of Aristotle were translated, at St. Thomas' request, by the Dominican William of Moerbeke, who also revised some previous translations.

<sup>4</sup> See Anton C. Pegis, *St. Thomas Aquinas, On the Truth of the Catholic Faith, Summa contra Gentiles* (Garden City, N.Y.: Hanover House, 1955), p. 18. The entire General Introduction is worth reading.

a systematic whole, clarified what was obscure, demonstrated beyond doubt what had not yet been clearly proved. The astounding result was his *Summa Theologica*,<sup>5</sup> a unique masterpiece. One knows not which to admire more: its order or its beauty, its brevity or its completeness, its profundity or its lucidity.

The *Summa* is divided into three parts treating, respectively, of God in Himself and as the prime cause of all creatures (*exitus*), of God as the supreme and final end of all things in general and of rational creatures in particular (*reditus*), of Christ the Saviour in Himself and as the way to attain supernatural union with God (*via*). In all, 612 basic questions are presented and discussed, 2,600 theses defended, 10,000 objections raised and refuted. What amazes the attentive reader is the author's singleness of purpose, the rigidity and simplicity of his method, the honesty and cogency of his argumentation. He shuns all superfluity, digression, repetition; he never rests or dallies on the margin; he never hurries over or forgets what might have even a remote connection with the subject at hand; he is constantly aware of how far he has gone, where he has to go, and there he goes, untired, unperturbed, concerned only with the truth. His reasoning power is evident in the four-fold division of each article: he states the question, he presents the possible objections to his position, he solves the proposed question, he refutes the objections. With remarkable intellectual candor and fairness he hears the difficulties raised by the other side; he never conceals or plays down the arguments in its favor; he himself finds new and frightful objections to his own stand, so much so that one could easily be misled if, in reading them, he were to ignore their brilliant refutation.

The *Summa* is not an easy book, but it is clear, logical, convincing. One must return to the *Summa* over and again while reading the numerous commentaries written on it.

In the *Summa*, as in his other works, St. Thomas shows himself a man of moderation, humility, common sense, and courtesy. He never raises his voice, he never becomes excited; he knows the

<sup>5</sup> The writing of the *Summa Theologica* was begun about 1266 and was continued at intervals until 1273. That year, after having celebrated Mass on the feast of St. Nicholas, Thomas said to his intimate friend and secretary, Reginald of Piperno: "I can do no more. After what God has revealed to me, I look upon my writings as though they were worthless as straw." He had reached Question 90 of the Third Part. What follows is the work of Reginald.



limits of human investigation and discovery, and accepts them; he notes the probable character of some of his arguments, and when a proposition is undemonstrable, he admits it; in debating with adversaries he is invariably patient, kind, understanding, seeking not the selfish satisfaction of winning a point but the Christian joy of enlightening and converting.

#### POLITICAL WRITINGS

St. Thomas' political views are contained in the first half of the *Commentary on Aristotle's Politics*, in the authentic parts of the treatise *On the Rule of Princes* (*De regimine principum*)—more precisely in the first book and in the first half of the second book—and in a section of the first division of the second part of the *Summa Theologica* (questions 40 to 108). In other works, St. Thomas has further references to the state, government, and the nature of law.

The political philosophy of St. Thomas must be analyzed against the background of two basic Thomistic doctrines: one concerns the end of man, the other concerns law.

#### FIRST PRINCIPLE: THE TWO ENDS

As to the end of man, St. Thomas clearly states the Christian position. Man, created by God, is destined to return to Him. Man's aim is the good—the total, universal good, wherein perfect happiness lies. This good, toward which all human appetites and actions consciously or unconsciously tend, is fully realized only in union with God—the infinite, completely satisfying good. Therefore the supreme, ultimate end of man is God. Any other aim not subordinate and conducive to this end is to be rejected as derogatory to man's dignity; any other aim, the fulfillment of which brings man closer to God, may be safely pursued. Enjoyment of perfect happiness (the knowledge and love of God) can be fully realized only in heaven, at the conclusion of man's earthly existence. To help him work out his eternal destiny, to assist him in his rational movement to God, the Church has been divinely instituted and provided with the means to fulfill this mission. But even here on earth, man legitimately seeks some degree of happiness, consisting, among other things, in health, external goods,



friendship, and peace. One of the reasons the state exists and functions is to help men attain this imperfect form of happiness. It follows that the state may in no way interfere with man's ultimate end, for the pursuit of the intermediate end must never become an obstacle to the pursuit of the final, ultimate one. Partial happiness must not conflict with total happiness. Furthermore, the state must create such social conditions as are positive helps to virtuous and successful living, thus affording man the opportunity to attain his last goal.

This doctrine establishes, then, a hierarchy among the ends or aims of man and provides the true perspective for a correct appraisal of the interrelation of the supernatural and the natural, the moral and the political order. The latter definitely plays a secondary and subordinate role.

## SECOND PRINCIPLE: THE NATURE OF LAW

The other Thomistic doctrine, constantly to be kept in mind if one would well understand St. Thomas' political thought, is concerned with law. Sixteen questions in the *Summa Theologica* are devoted to it: eleven to divine positive law, one to eternal law, one to natural law, and three to human law.

In the beginning there is only God—the Truth, the Rule, the Standard. His divine reason, His divine wisdom, is the eternal law—a law governing the whole of creation, directing all actions and motions; a law not made but eternally existing and identical with God's very being, therefore unknowable to man in its entirety and yet the source of all true law on earth. Ultimately, right and wrong in the practical field of man's actions depend on whether or not these actions conform to eternal law.

Man's rational nature allows him to have a share of the *Eternal Reason*. This human participation in the divine, this practical reflection in us of the heavenly light, is what St. Thomas calls natural law. Through it, both in its first, most general principles and in their closely derived conclusions, man is provided with an objective, changeless, universal rule of action. In its fundamental precept, natural law commands man to do good and avoid evil, or, in other words, to be himself and rationally follow his natural inclinations in order to reach his natural end, which is happiness.

In addition to natural law, St. Thomas distinguishes three

kinds of positive law: the divine, the ecclesiastical, and the civil. Positive law in general is defined by him as: an ordinance of reason for the common good, promulgated by him who has charge of the community. Divine positive law, another derivation of eternal law, proceeds from God as legislator. It supplements the limitations of human reason and consists of rules made known to man at different periods in history with Revelation as the mode of promulgation. These rules are contained in Holy Scripture and Tradition. Ecclesiastical law is the body of rules made by the human legislators in the Church for the spiritual welfare of the Christians. It is a derivation and determination both of natural and divine positive law. Civil law, the law issued by the legislator in the state, is a derivation and determination of natural law; it applies the latter more specifically to particular circumstances; it "corrects" the law of nature, that is, its lack of sufficient determination for application to action, by supplying what is wanting in natural law; to it belong "those things which are derived from the law of nature by way of particular determination."<sup>6</sup>

It is evident that civil law is just only if and when it conforms to natural law both as to end and as to means. A law of the state (or a law of the Church) that counters a principle or violates a precept of natural law is no law at all. For no human law can validly exist without justice; and justice consists in conformity to the rules of right reason; and the first rule of right reason is the law of nature. This is what St. Thomas implies when he states simply that law is a dictate of reason.

#### ORIGIN OF THE STATE

In his treatment of specific political questions, St. Thomas begins with the problem of the origin of the state. "It is natural for man to be a social and political animal."<sup>7</sup> Man is sociable, society requires order, order requires government: hence the need for the individual's integration into society in general and into political

<sup>6</sup> S.T., I-II, Q. 95, art. 4. Selections from the *Summa Theologica* are taken from the translation of the Fathers of the English Dominican Province (New York: Benziger Brothers, Inc., 1947, 1948). 3 vols.

<sup>7</sup> *De regimine principum*, Book I, chap. 1. Selections from *De regimine principum* are taken from the translation of Gerald B. Phelan (Toronto: Pontifical Institute of Medieval Studies, 1949).

society in particular, if he is to be able to attain personal perfection and benefit by and contribute to the common good.

It is so natural for man to live in society under law that, even in the state of innocence, social and political life would necessarily have existed, although without the present coercive element. Man's nature did not change essentially with original sin. It was the same in the Garden of Eden; then too it was social and consequently in need of a politically organized society.

Here, in proving his point, St. Thomas closely follows both Aristotle and medieval thought. In addition he presents an argument not yet mentioned by the Greek and Christian philosophers although tied to the traditional view of man's social character. If a man is superior to others in knowledge and prudence, it is unwise not to place these assets at the service of the community.

#### AUTHORITY IN THE STATE

"In every group there must be some governing power"<sup>8</sup> to look after those things that concern the good of the community and to channel common efforts toward the proper goal.

The very reason (directly flowing from natural law) that requires and justifies authority, acts as a restraining force in the exercise of the same. What necessitates authority limits it as well. Government must be directed to the common good. If it seeks the private good of the ruler, it is unjust and perverted. The form it takes makes little difference. Monarchy, aristocracy, polity—all are good provided they do not degenerate into tyranny, oligarchy, or mob rule. The distinction that really counts is that of just and unjust governments. The criterion remains the same: whether or not the one or the several or the multitude rule for the good of all.

As to the relative merits of each specific form, St. Thomas, influenced no doubt by the political institutions of his time, seems, at least in theory,<sup>9</sup> to give the edge to monarchy—the just power according to law, both natural and divine positive, exercised by one alone. However, in his concern for the prevention of abuses and the establishment of guarantees against arbitrary rule, he wisely proposes an elective monarchy to give the people an op-

<sup>8</sup> *Ibid.*

<sup>9</sup> See *S.T.*, I-II, Q. 95, art. 4.



portunity to choose the best candidate and to place, if needed, new restrictions on his power. In addition, he advises a tempering of the royal power by blending it with aristocratic and democratic elements. Let one alone command, but let many participate in the government according to their abilities. And let it never be forgotten that all may be elected to power and that the right to elect the rulers is the right of the people.<sup>10</sup>

When royal power becomes corrupt, it gives rise to the worst form of government—tyranny, the power of one who seeks his own private interests and controls by force instead of ruling with justice. In his discussion of tyranny and the limits of obedience to tyrants, St. Thomas carefully distinguishes between principles and techniques. One principle concerns the individual subjects; another, the community as a whole. When the tyrant commands what a superior law, natural or positive, forbids, the subject is bound to disobey. When the tyrant commands what is clearly outside his jurisdiction, the subject is not bound to obey. As to the community's attitude toward tyrannical rule, Thomas argues that the people who choose or elect their king also have the power to depose him if he rules unjustly. For St. Thomas, authority is in the nature of a trust. When the king uses it despotically, he deserves that the people rescind the pact whereby power was granted him. St. Thomas is extremely clear on this point.<sup>11</sup> He could never have subscribed to the later theory of the divine right of kings and its conclusion that the only recourse against despotic power is hum-

<sup>10</sup> St. Thomas believed that the right to choose rulers, that is, to self-government through elected magistrates, belongs to the people, but that the use of this right was to be denied them if they proved unfit to exercise it. See *S.T.*, I-II, Q. 97, art. 1.

<sup>11</sup> "It must not be thought that such a multitude is acting unfaithfully in deposing the tyrant, even though it had previously subjected itself to him in perpetuity; because he himself has deserved that the covenant with his subjects should not be kept." (*De regimine principum*, Book I, chap. 6.) This startling reference to a covenant or pact has nothing in common with the contractual theories of Hobbes and Rousseau. St. Thomas speaks here of the contract implied in the ruler's election—a contract by which the actual exercise of power is conferred by the people, a contract rescindable when the government does not observe its express or implicit conditions. There is no question here of the very power of the state. This power, this essential principle of authority, resides in the people ("*ius multitudinis*"; *S.T.*, I-II, Q. 90, art. 3) by a law of nature. It is ordained of God. It is not the product of a pact. It is inalienable.

ble petition for redress or fervent prayer to God for the tyrant's conversion.

The question of techniques—how to get rid of the tyrant or how to deal with him in particular instances—is one of social and political prudence. All the elements must be weighed in each specific case and the course of action adopted that will best redeem the situation. To allow the killing of tyrants by citizens on their private presumption is to offer the wicked, the dissatisfied, and the turbulent a most welcome pretext for upsetting any government they dislike, especially the good. To permit popular revolts, particularly against minor tyrannies, is to set in motion an uncontrollable chain of reactions usually worse than the evil one attempts to remedy. Revolutions do not always succeed; and then the tyrant rages the more. Revolutions may succeed; but then their outcome may be the rise of a tyrant more terrible than the overthrown.

St. Thomas definitely favors preventative measures that will make it difficult for a good government to degenerate into arbitrariness. Then if, notwithstanding, tyranny sets in, the task of casting out the tyrant, or even of killing him, should not be left to private initiative but reserved to some public authority acting with justice and prudence.

Most of the time, St. Thomas seems to imply, people have the government they deserve. If they really want to, if they use their power wisely, they can control the government, prevent its perversion, or set things right again in an orderly manner.

#### END OF THE STATE AND FUNCTIONS OF GOVERNMENT

For St. Thomas, as we have seen, the true end of the state is to promote the good life of its citizens. This good life consists, first and fundamentally, in action according to virtue and, secondly and instrumentally, in a sufficiency of material goods imperative for virtuous action. Government, therefore, which expresses and enforces the will of the state, must strive to establish, maintain, and improve the good life of its subjects.

To establish virtuous living in a multitude three things are necessary: First of all, that the multitude be established in the unity of peace.



Second, that the multitude thus united in the bond of peace, be guided to good deeds. . . . In the third place, it is necessary that there be at hand a sufficient supply of the things required for proper living, procured by the ruler's efforts.<sup>12</sup>

The maintenance of the good life places three responsibilities on the ruler. First, he must see that competent men replace those officials who become incapable of or unfit for public duties; secondly, by laws and commands and the meting out of just rewards and punishments, he must keep his subjects from wickedness and lead them to works of virtue; thirdly, he must keep his people safe from the enemies without who attempt the destruction of the kingdom. Finally, for the betterment of the good life of its citizens, the government should be constantly alert to correct whatever is wrong, supply whatever is lacking and, in general, perfect whatever can be improved.

Specifically in regard to the legislative function of the state, St. Thomas in the above quoted definition establishes the conditions essential to the notion of civil law. It must be reasonable, that is, just, by reason of its conforming to both natural and divine positive law and taking into account the customs, practices, and mentality of those for whom it is enacted. It must be for the common good, that is, proportioned to human needs and wishes in a sort of universal, average way; framed for the whole community and not tailored to any individual; suited to the ordinary conditions of the subjects in such a manner that they may enjoy peace and be given the opportunity to achieve happiness and work for perfection. It must be made by the legitimate authority, that is, it must be the work of the whole community or of those to whom the community power has been delegated, for law is in the nature of a direction to an end, and "direction to an end belongs to the one for whom that end is the goal, to whom that end belongs; and the end of the state is not the property of any individual but of the community."<sup>13</sup> Finally, the law must be authoritatively promulgated by the legislator, that is, made known by a public act to those it affects.

A law fulfilling these four conditions binds in conscience all those subject to its authority and is enforceable with sanctions.

<sup>12</sup> *De regimine principum*, Book I, chap. 15.

<sup>13</sup> Walter Farrell, *A Companion to the Summa* (New York: Sheed & Ward, 1945), Vol. II, pp. 370, 371.

Disobedience to such a law is sinful and punishable with proportionate penalties, including mutilation and death. On the contrary, a law lacking any one of these essentials is null and void.

#### CHURCH AND STATE RELATIONS

St. Thomas is for ~~the subordination of the state to the Church, although he does not specifically set the limits of this subjection.~~ His view fits the traditional medieval doctrine on the matter. He avoids the exaggerations of the curialists, and is not for the direct power of the Church *in temporalibus*—the theory defended by John of Salisbury and Aegidius Romanus. Thomas leans rather toward the indirect power theory to be formulated by Cardinal Bellarmine.

St. Thomas' view, although strongly colored by the historical framework, is a logical conclusion of his basic theory of the two ends of man, which are the affair of state and Church respectively. "Man, by living virtuously, is ordained to a higher end, which consists of the enjoyment of God."<sup>14</sup> Therefore the end of the state (the promotion of virtuous living), important as it is, remains perforce a subordinate, intermediate one.

Now the higher the end to which a government is ordained, the loftier is that government; for we always find that the one to whom it pertains to achieve the final end, commands those who execute the things that are ordained to that end.<sup>15</sup>

Consequently to the head of the Church, the vicar of Christ, the Roman Pontiff, who by divine ordinance has been entrusted the task of leading man to his last end, "all the kings of the Christian people are to be subject as to Our Lord Jesus Christ"<sup>16</sup> even in temporal matters when these relate to eternal salvation—"in his *quae ad salutem animarum pertinent.*"<sup>17</sup>

It is evident that here St. Thomas has the confessional state in mind. Incidentally, it is to such a state that he refers when he defines the ruler's attitude toward infidels, heretics, and apostates. For those who have never received the faith there must be tolerance and kind treatment; not so for those who have lapsed into

<sup>14</sup> *De regimine principum*, Book I, chap. 14.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> *Commentary on the Sentences of Peter Lombard*, II, 44.

heresy and apostasy. He does not hesitate to approve capital punishment for heretics and apostates who wilfully persist in their rebellion against the Church. Bearing out this same principle, St. Thomas, while granting the Jews civil rights according to the law of nature, denies them political rights. In a Christian state they are not citizens in the full sense of the term and cannot participate in government.

#### INTERNATIONAL LAW

St. Thomas speaks of a *ius gentium*, with precepts closely derived from natural law and common to all nations. Not all the precepts of this *ius gentium* refer to interstate relations, but even those that do, such as the obligation to observe pacts, to respect the inviolability of legates, to spare women and children in war, are by no means coextensive with the content of international law as we, in a fuller sense, understand it today. They certainly do however constitute its natural foundation. They are the germs of that international law later developed by the Spaniards Vitoria and Suárez and the Dutch Hugo Grotius.

A question bearing on international law more thoroughly treated by St. Thomas is the question of war. War, even an offensive war, is not in itself evil and may, under the following three conditions, become legitimate. First, war must be declared by the prince or ruler who governs the community. It may never be waged by private persons on their own initiative, for when engaged in litigations they can always submit their conflicting claims to a higher authority. Secondly, war must be waged for a just cause, that is, it must have been deserved by the enemy for some grave fault. Thirdly, the warring power must have and maintain a good intention—in general, that of correcting an abuse and laying the foundation for a just and lasting peace. A spirit of revenge, excessive cruelty in the conduct of hostilities, unreasonable refusal of an armistice, lust for supremacy—these are evil intents that would render unjust even an otherwise justifiable war.<sup>18</sup>

<sup>18</sup> For recent views of the problem of war within the perilous perspectives of the modern age, see J. T. Delos, "The Sociology of Modern War and the Theory of Just War," *Cross Currents*, VIII, No. 3 (Summer, 1958), 248-266; J. C. Murray, "Remarks on the Moral Problem of War," *Theological Studies*, XX (March, 1959), 40-61; C. S. Thompson, ed., *Morals and Missiles* (London: J. Clarke and Co., 1959).

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## CHAPTER X • *Dante*

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### LIFE

DANTE ALIGHIERI was born toward the end of May 1265 in a Florence divided between Guelfs and Ghibellines.<sup>1</sup> He lost his parents at a very young age. When a boy of nine, he met Beatrice, a year younger than himself, and from that time he never ceased to love her deeply though she never encouraged his attentions and eventually married someone else. She died June 1, 1290, but even after death she continued to inspire him. A grateful Dante immortalized her in the sonnets of his *Vita Nuova* and the cantos of his *Divine Comedy*. In 1288, true to family tradition and his own bent, he joined the Guelfs against the Ghibellines of Arezzo; and in 1289 he fought in the bloody battle of Campaldino, which resulted in a Florentine victory. In 1295 Dante married Gemma dei Donati, by whom he had several children. That same year he began to be active in the administration of Florence and to engage in earnest in political life. In 1300, from June 15 to August 15, he

<sup>1</sup> Absolute Guelfism stood for total subordination of all temporal rulers, emperor included, to the pope. Absolute Ghibellinism wanted prelates subject first and foremost to the political authority and saw the pope as little more than the chaplain of the emperor. In the Italy of the thirteenth and fourteenth centuries, however, these party labels often served purposes and ends purely selfish and personal.



was one of the six priors (the city's highest magistrates); and toward the end of 1301 he was sent to Rome, with two others, as ambassador to Pope Boniface VIII.

After the battle of Campaldino, the Florentine Guelfs had split into two bitter factions: the nobles or Neri led by the Donati, and the plebeians or Bianchi led by the Cerchi. Dante's sympathy was with the Bianchi, who seemed to him more efficiently committed to restoring peace. But their conciliatory attitude toward the Ghibellines so aroused the suspicion of Boniface VIII that he called a French prince, Charles of Valois, to Italy. Charles was to go to Florence and assay the chances of the right wing Guelfs for undivided power. It was while he was on his way there that the government of Florence, then in the hands of the Bianchi, decided to send Dante and two other emissaries to Boniface VIII. The embassy was to convince the pope of Florence's adherence to Guelf traditions and of her ready acceptance of the pope's overlordship in Tuscany. At the same time the Florentines could voice their fears about the proposed action of Charles of Valois. The factious Neri, if allowed to return to power, would plunge the city into civil war. Boniface VIII would more safely rely on the constitutional, moderate power of the Bianchi.

The embassy failed. While two of the ambassadors returned home to report on negotiations and Dante remained at the papal court, Charles of Valois entered Florence. He threw the weight of his sword on the side of the Neri and had stiff sentences pronounced against the leaders of the Bianchi. Dante was himself accused of political corruption, heavily fined, exiled for two years, and excluded for life from public office. Shortly afterward, on May 10, 1302, he was sentenced *in absentia* to death. Thus, he was locked out of his beloved Florence, never to enter it again.

Homeless, Dante wandered from city to city, "a somber guest, always finding the bread of hospitality bitter," hoping always, if vainly, to return to his "fair sheepfold." In his long exile he consorted with men who like him were victims of the Guelf reaction, and to many he seemed to have embraced Ghibelline ideas and encouraged Ghibelline activities. In reality so great a soul could not feel at home within the narrow limits of any partisan coterie. One could say with Ozanam that on some issues he was a Guelf and on others a Ghibelline. Dante was a Guelf in his respect for the Church, his dislike for feudalism and the inheritability of offices

and privileges, his horror of foreign domination. He was a Ghibelline in his reverence for the emperor and the monarchic principle he embodied, his enmity toward France, his intolerance of the Church's intervention in purely political matters. Neither Guelf nor Ghibelline, "he did not wander, an irresolute deserter, between the two rival camps; he set up his tent on independent ground, not that he might repose in an indifferent neutrality but that he might fight out the fight alone, with all the strength of his own individual genius." <sup>2</sup>

Dante died in Ravenna, probably of malaria, on September 14, 1321, at the age of fifty-six. It was not an advanced age, but the greatness of a life is to be viewed not in terms of years but in terms of accomplishments. His were many—all great and vast and splendid; each bears the imprint of a prodigious mind. It is in his *Comedy* that at least once in the history of mankind divine wisdom and supernatural truth found expression in words of almost unsurpassable beauty.

#### MONARCHIA

In October 1310, Henry VII of Germany crossed the Alps into Italy, there to receive the imperial crown and re-establish a sorely needed peace among the Italian republics. From Avignon, Pope Clement V hailed him as the "defender of the Church," and Dante was elated at the prospect of a lasting reconciliation between the two highest powers and the end of the internecine struggles that had so long tortured the peninsula.

On that occasion, in a Latin letter to the princes and peoples of Italy, he announced an era of harmony and joy, and exhorted all to welcome the pacifier sent by God. But his words fell on deaf ears. Instead of laying down fratricidal arms, the various factions bickered and fought all the more. Florence became the center of resistance to the emperor as other Guelf cities and princes rallied around her. Dante, in Tuscany at the time, wrote another Latin letter, dated March 31, 1311, censuring the "very scelerate" Florentines for their opposition to God's minister. A few days later, on April 17, he wrote to Henry VII begging him to come without de-

<sup>2</sup> F. Ozanam, *Dante and Catholic Philosophy in the Thirteenth Century*, trans. by L. A. Pychowska (New York: The Cathedral Library Association, 1913), pp. 381, 382.

lay to punish the rebellious Florence, who in attacking Rome, seat of the empire, was viperously turning on her own mother. Returning to the concepts expressed in these three epistles, Dante systematized them, probably between the years 1310 and 1312, in the famous Latin treatise *Monarchia*.

The treatise is divided into three books. In the first, Dante proves his basic assumption that a universal empire is indispensable to the well-being of mankind. According to him, the proper goal of man, individually or collectively considered, is the constant realization of his intellectual potentialities, both in the way of speculation and the way of action. This is possible only in an atmosphere of universal peace and harmony. World peace, in turn, can be secured and maintained only through world empire. Finally, the form of such a universal empire is monarchy—the rule of one prince over all.

Without mentioning Pierre Dubois, Dante refutes his arguments for universal peace through federation and arbitration.<sup>3</sup> Only a single supreme ruler can authoritatively settle disputes between states.

Between any two governments, neither of which is in any way subordinate to the other, contention can arise either through their own fault or that of their subjects. This is evident. And since neither can know the affairs of the other, not being subordinated (for among equals there is no authority), there must be a third and wider power which can rule both within its own jurisdiction.<sup>4</sup>

This third power is the monarch or emperor, who, furthermore, by reason of his power and his freedom from fear and cupidity, is in the best position to serve the people unselfishly and to main-

<sup>3</sup> Pierre Dubois (about 1250-1312), a French lawyer, in a pamphlet entitled *On the Recovery of the Holy Land* (1306), presented his plan for the establishment of universal peace through Christendom. He suggested that a general council be convoked by the pope and attended by all prelates and Christian princes. This council was to outlaw war among its members and set up an arbitral tribunal from whose decisions there should be no appeal but to the pope himself. Dubois' project implied the abolition of imperial prerogative and a position of pre-eminence for the French king.

<sup>4</sup> *Monarchy*, Book I, 10. Selections from *Monarchia* are taken from the translation of H. W. Schneider in *On World-Government or De Monarchia by Dante Alighieri* (New York: Liberal Arts Press, 1950).

tain between men and between states perfect justice, the infallible source of peace and liberty.

In the second book Dante proves the existence of a universal empire in the Roman Empire. Founded by the ancient Romans with the consent and help of God (who as man went so far as positively to recognize the legitimacy of Roman rule by submitting to death under Pilate, the agent of Tiberius), it was their legacy to the Christian world and is still duly invested in the Roman people and in their emperor.

Here Dante betrays his love for Italy and his pride in being Italian. For him the empire is Roman and Italian. "The Roman people was ordained by nature for rule."<sup>5</sup> It matters little that at the time, through a transitory delegation of powers, the German princes are the electors of the emperor. The empire, by a natural and historic right, is Roman, and the emperor therefore a Roman prince, just as the supreme pontiff is a Roman bishop. Rome is the seat of Caesar and of Peter. Thus is Dante's cosmopolitanism colored and informed by the flame of his patriotic passion, and his belief in the universal mission of Rome, in both the spiritual and the temporal order, stated in no uncertain terms.<sup>6</sup>

In the third book Dante comes to grips with the question: "Does the authority of the Roman ruler, who . . . is the *de jure* ruler of the world, come directly from God or through some vicar or minister of God, I mean Peter's successor, who truly holds the keys to the kingdom of heaven?"<sup>7</sup> In his answer Dante bitterly contests the exaggerated claims of the curialists. The author of

<sup>5</sup> *Ibid.*, Book II, 7. A different interpretation is given Dante's Romanism by Dino Bigongiari: "For the Romans of his day Dante had nothing but contempt. What counted for him was the ancient city as it survived under Christian dispensation; he hoped for the restoration of the old Roman virtues, the return of the old Roman prestige. Thus there is much Humanism or Classicism in this political doctrine. What inflames him is the love of Ancient Rome, pagan though it had been. It must be revived, in all its glory, but as the capitol of the World, not as an Italian city. Italy must abandon its nationalistic aspirations, must accept its position as part of the world empire. . . . Italy will again be great, yes! but only as the 'Garden of the Empire.'" (*On World-Government or De Monarchia by Dante Alighieri*, Introduction, xiv.)

<sup>6</sup> This underlying motive of Dante's political thought recurs in *Convivio* IV, 5 and in the *Divine Comedy*, particularly in the canto of Justinian, *Paradiso*, VI.

<sup>7</sup> *Monarchy*, Book III, 1.



*Monarchia* denies any subjection of the empire to the papacy in temporal affairs. The emperor's authority derives directly and immediately from God and is exercised in complete independence of papal jurisdiction.

These are the main lines of the treatise. But in presenting and defending his three theses, Dante touches on various other matters of interest to the student of politics.

#### CHARACTERISTICS OF THE WORLD EMPIRE

First of all, Dante sees the entire universe within the bond of unity. The human race is one by nature. There is one God in heaven and there is one flock on earth. Empire and Church do not divide the flock, for emperor and pope are moved by a parallel and concord will; and though sharply distinct and autonomous in their respective functions, they are united by one love for God and man.

Secondly, the universal empire (and any government for that matter) is not an arbitrary rule. Its foundation is not primarily force but wisdom; its chief characteristic, not despotism but looking after the people's true interests. "For citizens do not live for their representatives nor peoples for their kings, but on the contrary, representatives exist for citizens and kings for peoples."<sup>8</sup> In regard to the end of government, kings and rulers, even the emperor, are to be the servants of all.

Thirdly, the universal monarchy does not exclude individual states. Rather, it is the unique authority of the emperor that permits their existence and peaceful coexistence. Its global jurisdiction is directed not to violating the peoples' freedoms and the cities' liberties, but to safeguarding them so that true justice may reign everywhere.

Fourthly, the power of the monarch does not extend to the interior court of conscience or to the internal constitution of the Church.

On the contrary, the church is recognized as a distinct power, divine in its origin, inviolable in its action; the priesthood and the empire (each independent of the other in its own sphere) are actually sub-

<sup>8</sup> *Ibid.*, Book I, 12.



ordinated, the one to the other, in their relations: the pontiff is the temporal vassal of Caesar, but the emperor is of the spiritual flock of St. Peter.<sup>9</sup>

In fact, in the closing lines of *Monarchia*, Dante cautions against so narrow a reception of the truths he presents as would deny that in certain matters the Roman prince is subject to the Roman pontiff. "Caesar therefore owes to Peter the piety which a first-born son owes to his father."<sup>10</sup>

#### UNCOMPROMISING ATTITUDE

*Monarchia* is a polemical work if only in the sense that it is directed against all who oppose the Roman empire and deny its independence of the papacy and its immediate dependence on God. *Monarchia* repudiates, above all, the alleged claims of the Roman Curia. When the treatise was being written, Boniface VIII had already died, much water had since flowed under the arches of the Tiber, and the popes had ignominiously left Rome for the gilded prison of Avignon. This should have been sufficient warning to anyone who loved the Church not to trust too implicitly in kings, princes, and emperors; but Dante was still smarting under the wounds inflicted on him by what he sincerely believed to be the unfortunate policy of Boniface VIII. This explains his uncompromising attitude, his fierce determination to draw a sharp line of demarcation, practically to dig a trench, between the ecclesiastical and the political power.

One cannot doubt Dante's good intentions in his attempt to solve a controversy that had divided lawyers, philosophers, and statesmen more than three centuries. But one must also aver that Dante failed somewhat in translating those intentions into principles. His insistence on the absolute separation of the two powers, on splitting philosophy and theology, on releasing the emperor from all earthly restraint, on placing man's heavenly and worldly happiness on a quasi-equal plane was actually or could at least easily have become the first step toward the proclamation of the complete autonomy of reason, the unlimited sovereignty of the state, the naturalistic and secularist view of human existence.

Without a doubt Dante would have been the first to react to

<sup>9</sup> Ozanam, *op. cit.*, p. 3.

<sup>10</sup> *Monarchy*, Book III, 16.

such heretical conclusions, just as he would have vigorously resisted any attempt of the Church's enemies to distort his views and enlist him in their ranks. But the fact remains that in his legitimate concern to prevent possible abuses on the part of the Church (in which he faithfully believed and which he fervently loved) he went so far as to overlook the flagrant abuses some of his principles invited. The Church, aware of the dangerous principles contained, if only germinally, in his treatise, condemned *Monarchia*, and from 1554 to half a century ago had it on the *Index of Forbidden Books*.

#### BENEDICT XV ON DANTE

Recently Dante had the exceptional honor of being the subject of a papal encyclical. For the sixth centenary of his death, Pope Benedict XV wrote of him and his works in glowing terms. The pope praised the purity of Dante's Catholic faith; his constant reliance on Scripture, on the Councils, on the Church Fathers and Doctors; his burning love for the see of Rome and the papal office. The pope was not blind to Dante's bitter and scornful indictments of the pontiffs of his time, particularly in the *Divine Comedy*; but he found this easy to explain, understand, and forgive:

Let us see what led him to this attitude. First, political differences. Some of these popes, he was persuaded, were supporters of the faction which had expelled him and kept him expelled, from home and fatherland. Unmeasured speech, sign of a deeply wounded soul, can surely be forgiven in a man tossed on such mighty floods of adverse fortune. Secondly, rumor, as always, so then, led him to think the worst of his enemies. Thirdly, who will deny that human weakness, which is universal, had its effects on ecclesiastical persons of Dante's time? . . . But Dante's indignant complaints and vituperations, based on truth or not, never in any way diminished the honor he owed to the Church, the obedience he paid to the Supreme Keys. Listen to the words wherewith he begins the defense of his own political philosophy: I enter upon this work "with that feeling of reverence which a loving son owes to his father and mother, with love for Christ, love for the Church, love for the Shepherd, love for all who profess the Christian religion, concerned only for the truth that leads to salvation." <sup>11</sup>

<sup>11</sup> Encyclical on Dante by Benedict XV, quoted in *Dante Theologian* by Patrick Cummins (St. Louis, Mo.: B. Herder, 1948), pp. 5-12.

## DANTE, A MODERN MAN

In his encyclical, Benedict XV also observes that Dante still utters a meaningful message for our own age. He is indeed a modern man on several counts, the least of which is certainly not his political view of the universe. Some critics have termed Dante's preoccupation with unity and peace an idle and idealistic dream. But a sober appraisal of the human situation leads one to see in Dante's vision a prophetic illumination of the future, a genial anticipation of things to come. If Dante is utopian, everyone is—for the aspiration to a peaceful coexistence of men and states is naturally in all hearts; universal peace is, in fact, a necessity. On its realization, one way or another, depends the very survival of the civilized world.

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## CHAPTER XI • *Marsilius of Padua*

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### LIFE

THE son of Bonmatteo dei Mainardini, a notary at the University of Padua, Marsilius was born in that prosperous and learned city between 1275 and 1280. His studies covered a wide range of subjects: law, philosophy, theology, and medicine. For a statutory period of three months (December 1312 to March 1313) he was rector of the University of Paris. In 1315 he was appointed canon in his native city by the newly elected Pope John XXII, whom he later so furiously attacked (but he was then and always remained a layman). In 1319 Marsilius traveled through Italy as agent of Can Grande della Scala and Matteo Visconti to promote the Ghibelline League. He returned to Paris, where he lectured on philosophy and practiced medicine. In the meantime he was writing his most famous work, the *Defensor Pacis*. He finished June 24, 1324. When it became known in 1326 that he was the author, he had to leave Paris. He sought refuge in Nuremberg at the court of Louis of Bavaria. John of Jandun fled with him. John was his friend and supporter, and this led many erroneously to believe him co-author of the *Defensor* or at least greatly to exaggerate whatever part he had in its composition. In 1327 both were declared heretics. That same year Louis marched against the pope and took Marsilius along as spiritual adviser. In January

1328, Louis entered Rome, deposed John XXII, had himself crowned emperor by Sciarra Colonna, the "representative" of the Roman people, appointed an antipope, and violently persecuted the clergy loyal to John. Marsilius became the spiritual vicar of the city. Soon, however, the people of Rome revolted and obliged the emperor to leave. Marsilius also left. He returned to Nuremberg and spent the rest of his life at the court. The date of his death is not known, but in the public consistory of April 10, 1343, Clement VI spoke of him (the worst heretic he had ever known, the pope said) as deceased.

#### THE DEFENSOR PACIS

The *Defensor Pacis* is divided into three parts or Discourses. Discourse I, in nineteen chapters, deals with "the general causes of civil peace and strife as shown by the normal structure of the state established by reason."<sup>1</sup> Discourse II, in thirty chapters, treats of "the singular cause of civil strife—the claim of the papacy to plenitude of power."<sup>2</sup> Discourse III, in three chapters, contains a review of the principal aims and conclusions of the two preceding parts.

Viewed in its entirety, the *Defensor* is mainly directed against the Church and the Roman pontiff. Its tones and overtones are decidedly secularistic if not altogether antireligious. The author's dream is to set up a unitary state, similar in structure to the free Italian cities and the French national monarchy, sovereign in both temporal and spiritual matters, holding sway over lay persons and prelates. Consequently, the *Defensor* overthrows the Church hierarchy, abolishes the privileges and immunities of the clergy, reduces the pope to a figurehead, and places the "Christian republic" under the control of the people and their representatives, the civil rulers.

#### PEACE

As the title of his work implies, Marsilius' concern was the preservation of peace in the state. What health is to the animal,

<sup>1</sup> A. Gewirth, *Marsilius of Padua, The Defender of Peace* (New York: Columbia University Press, 1951, 1956), Vol. II, Introduction, xxii.

<sup>2</sup> *Ibid.*, xxiv.



peace is to political society. He defines peace as "the good disposition of the city or state whereby each of its parts will be able to perform the operations belonging to it in accordance with reason and its establishment."<sup>3</sup> Marsilius' peace is neither the theological peace of St. Augustine (a *tranquillitas ordinis* deriving from man's conformity to God's law) nor the universal peace of Dante and Dubois (a general state of harmony between subjects and rulers and between states). Marsilius has no extra-temporal, extra-political or "internal" preoccupations. His interest in peace is for the sake of achieving the "sufficient life," which is the reason for the state's existence. His peace is not a means to a higher, spiritual end. Moreover, peace is pursued by Marsilius without any consideration for international relations. In his view, there may be peace even when states are engaged in mutual war. In other words, Marsilius equates peace with the external order of the individual state, that is, with a mechanical equilibrium. There is peace when the various parts of the state, "the agricultural, the artisan, the military, the financial, the priestly, and the judicial or deliberative,"<sup>4</sup> are properly engaged in the discharge of their respective functions.

The fruits of peace or tranquillity, then, are the greatest goods . . . while those of its opposite, strife, are unbearable evils. Hence we ought to wish for peace, to seek it if we do not already have it, to conserve it once it is attained, and to repel with all our strength the strife which is opposed to it.<sup>5</sup>

## GOVERNMENT

The maintenance of peace in the state is entrusted to the government. "Without the existence of the government, the civil community cannot endure for long."<sup>6</sup> It falls to the *pars principans* or *principatus*, as Marsilius calls the government or rather the executive and judiciary branches of it, to assign each citizen his proper task,<sup>7</sup> to see that he performs it properly, to judge the disputes that

<sup>3</sup> *Ibid.*, Discourse I, chap. 2, 3.

<sup>4</sup> *Ibid.*, chap. 5, 1.

<sup>5</sup> *Ibid.*, chap. 1, 4.

<sup>6</sup> *Ibid.*, chap. 15, 6.

<sup>7</sup> "For no one must or reasonably can undertake at will the exercise of the military or priestly function." *Ibid.*, chap. 15, 10.

may arise between citizens, to punish the disturbers of the social tranquillity.

Even priests and bishops are required scrupulously to obey the governmental authority. The medieval school insisted on the two ends of man, the temporal and the spiritual, and on the pre-eminence of the latter. The priesthood, concerned with the attainment of the nobler end, was made the recipient of privileges, immunities, and even of a higher power than the temporal ruler. Theoretically, Marsilius does not deny that there is more dignity or nobility attached to the priesthood. He argues, however, that the question of power in society is to be solved on terms not of moral eminence but of practical, political necessity. Of the two, it is government that is the more necessary. Therefore, the priesthood must be subject to it. Marsilius could not be more explicit on this point. He goes so far as to say that civil society could do without the priesthood or any other part of the state, but never without government.

The action of the ruler in the state, like that of the heart in the animal, must never cease. For although the actions of the other parts of the state may at some time cease without any harm to any individual, group, or community . . . the primary action of this ruling part and of its virtue can never cease without harm.<sup>8</sup>

Actual government may be in the form of monarchy, aristocracy, or polity. The last makes it possible for all citizens to take turns governing. These three varieties of government are all good for they are based on the consent of the people and exercise power for the welfare of the whole. Tyranny, oligarchy, and false democracy are vitiated forms. They are the rule of one, or several, or many, not based on general consent or directed to the good of the community.

Government must not corrupt. It must not rule capriciously or arbitrarily. It must not pursue the interests of only a fraction of the body politic. It must be one. A plurality of governments would inevitably result in the ruin of the state. This is another reason why Marsilius is so opposed to the autonomy of the Church. Ecclesiastical jurisdiction in the traditional sense would lead to strife and intransquillity by destroying the very unification of government that is indispensable for the peaceful maintenance of society.

<sup>8</sup> *Ibid.*, chap. 15, 13.

## LAW

To keep government in line, Marsilius subjects it to the rigid control of law. Law is "an ordinance made by political prudence concerning matters of justice and benefit and their opposite and having coercive force."<sup>9</sup> One must pay careful attention to Marsilius' definitions. This one shows again a complete break with the ancient and medieval view according to which law is an ordinance of reason, a command founded on and compatible with justice. Marsilius' concept of law is thoroughly positivistic. For him its essence consists in coerciveness. Morality has little or nothing to do with law. A particular law may even be unjust and still be a true law provided a sanction is attached to it and the threatened punishment can actually be applied. Conversely, every command that lacks the coercive element or whose coerciveness involves merely spiritual punishment or punishment in another world is not worth the name. One cannot fail to notice the direction in which Marsilius is aiming: divine law and canon law, on which all Church supporters so insist in settling the problem of Church and state relations, are not true laws. Only human, secular law is a coercive command, for coercive power here on earth belongs exclusively to the state.

## THE PEOPLE

The power to make true laws is a prerogative of the people. "The primary and proper efficient cause of the law, is the people or the whole body of citizens,"<sup>10</sup> and a citizen is anyone able to participate in government. This, *prima facie*, is a re-statement of Aristotle's view. But while for the Stagirite participation in government meant the ability to perform ruling and judicial duties, for Marsilius it means simply the ability to appraise the ruler's conduct in the discharge of his office and the capacity to decide on the laws proposed for the state. Thus Marsilius broadens considerably the concept of citizenship to make room for the farmers and artisans whom Aristotle had excluded. Marsilius, however, shares Aristotle's disdain for women: these are not citizens in the strict sense.

<sup>9</sup> *Ibid.*, chap. 10, 4.

<sup>10</sup> *Ibid.*, chap. 12, 3.

Citizens are divided by Marsilius into two classes: the *vulgus* and the *honorabilitas*. The *vulgus*, corresponding roughly to the Greek *demos* and the Roman *plebs*, comprises the masses, the multitude, the lower, uneducated body of the people. The *honorabilitas* comprises the notables, among them the clergy.

The people, as a whole, is the legislator: all the people or at least the "weightier part thereof."<sup>11</sup> This "*valentior pars*" has been variously explained by Marsilius' commentators. In all probability, he had in mind a blending of quality and quantity, that is, the overwhelming majority, the greater number of the citizens, inclusive always of a substantial portion, perhaps a majority, of the upper class or notables.

Marsilius gives several reasons for making the people the very center of the state and trusting them with the legislative function. First, "the common utility of a law is better noted by the entire multitude, because no one willingly harms himself."<sup>12</sup> Secondly, "that law is better observed by every citizen which one seems to have imposed upon himself."<sup>13</sup>

There are three steps in the legislative process. The experts, a small number of competent men, discover the laws to be proposed for adoption (*deliberation*). The people, in the general assembly of all citizens or of their properly appointed representatives, discuss the proposed laws and approve or disapprove (*judgment*). Finally, the people unanimously or by overwhelming majority affix to the approved laws their *command* under a temporal penalty or punishment.

The people's power is not confined to the making of the law. It is also their right to elect the ruler. Marsilius does not favor hereditary succession. Nor does he attach much value to the ruler's virtues. He is ruler not because of them but because of the people's choice. It is merely desirable that he be prudent, just, and equitable. His function is to execute the laws, to apply them in specific instances. If the laws were clearly determined, even the relative importance of his possessing some public virtues would fall. At any rate, Marsilius does not require of him the traditional private or theological virtues.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*, chap. 12, 5.

<sup>13</sup> *Ibid.*, chap. 12, 6.



In addition, the people have the right to correct, punish, and even depose the ruler if he violates the law or becomes guilty of a serious dereliction of duty. Marsilius' ruler is by no means absolute, for in both source and exercise his power is strictly dependent on the people's will. He is accountable to them. Yet, government (the executive and judiciary) is granted no small measure of power. One could say that in Marsilius' state the ruler and the people check one another, but the people have the edge, at least theoretically.

### THE CHURCH

In making his case for the unchallenged sovereignty of the state, Marsilius bitterly attacks the papacy and denies any validity not only to the exaggerated claims of the papalists but to the moderate tenets of the Gelasian doctrine as well. His *Defensor Pacis* abounds in virulent invectives and imprecations against both papal and episcopal power and, by subverting traditional concepts, disfigures the Church beyond recognition. The *Defensor Pacis* is undoubtedly heretical in both general principles and practical applications.

For Marsilius, the Church is "the whole body of the faithful who believe and invoke the name of Christ, and all the parts of this whole body in any community, even the household."<sup>14</sup> Whatever power the Church possesses, it belongs to the *universitas fidelium*—the whole body of the faithful. Pope, bishops, and priests are but a part of the Church. They are not the governing body. They lack the power of jurisdiction. Their task is merely to teach Christian doctrine and to administer the sacraments. They are "physicians of souls," not judges. Most important, coercive power is beyond their competence. In fact, Marsilius repeats over and over again, coercive power on earth belongs only to the state. The control of ecclesiastical affairs, the definition of doubtful questions of faith, the election of pastors and bishops (including the "head bishop") to their posts, the punishing of sinners even to the inflicting of excommunication and other spiritual penalties, the canonization of saints—all these pertain to the whole body of the Christian people. The *universitas fidelium* acts through the general council, the call-

<sup>14</sup> *Ibid.*, Disc. II, chap. 2, 3.



ing of which "does not belong to the Roman bishop"<sup>15</sup> but to the faithful themselves or their representatives. Both priests and lay persons have the right to take part in it, and the final decisions or binding decrees will be those to which the whole body of participants or the weightier part has adhered. The hierarchic and monarchic structure of the Church is completely rejected. So is the fundamental dogma of the primacy of Peter and his successors. The Church becomes a republic, a democracy. The very people who are the supreme legislator and political sovereign in the state are also the supreme legislator and sovereign in the Church. The same agency controls both political and ecclesiastical society. Spiritual power and temporal power are unified in a Church-state that "is far more a state than a Church."<sup>16</sup> Peace is now possible, for peace requires unification under one government—and the papal claims, even to mere independence from the state in religious matters, have been "proved" null and void. The people and the state acquire, in Marsilius' theory, a plenitude of power far superior to that granted the pope by the most extreme of papalists.

What Marsilius did by his exaltation of the people was to shift the whole cast of the traditional medieval church-state debate. Where that debate had been between two different groups or authorities in society, each representing a different set of values—*regnum* and *sacerdotium*, temporal power and spiritual power—Marsilius subsumed both of these under a *universitas* which was at once *civilis* and *fidelis*, secular and religious, state and church, and equally infallible in both spheres, so that it was a single all-inclusive locus and determiner of both spiritual and temporal values. Thereby, also, the discussion of the comparative value of secular and religious goals was no longer relevant. But then, having assigned supreme institutional authority in both secular and religious affairs to this *universitas*, Marsilius could allow its "natural desires" free play, and these were almost exclusively in a secular rather than in a religious direction. And, in addition, the "secular" government, as exclusive coercive agent of the will of the *universitas*, attained a far greater triumph over the quondam "spiritual power" than had been possible for earlier antipapalists who had confined their discussions to the conflict between the two powers themselves, without fitting them into a larger whole as did Marsilius.<sup>17</sup>

<sup>15</sup> *Ibid.*, Disc. II, chap. 21, 3.

<sup>16</sup> *Ibid.*, Vol. II, Introd., lxiv.

<sup>17</sup> *Ibid.*, lxxv.

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PART FOUR: *From Medieval to Modern Times*

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## CHAPTER XII • *Introductory*

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### A PERIOD OF TRANSITION

THERE was no sharp division between the Middle Ages and modern times. A line of demarcation fixed at 1453 (the fall of Constantinople), or at 1492 (the discovery of America), or at any date in the sixteenth century would have but a relative and partial validity. Better perhaps to say that the period from the middle of the fifteenth to the beginning of the seventeenth century belongs to both epochs: to the Middle Ages as its turgid and revolutionary prolongation, to modern times as its immediate and tumultuous prelude. Better still, the period was one of transition, for it frequently repeated, complemented, developed, changed, opposed old principles and ideas, or combined them, in a variety of situations, with new thoughts and concepts.

On the one hand the period was, if in its own way, an essentially religious time. Religion and religious matters continued to be the major concern of many. The Crusades were still preached. One of Columbus' major purposes in forcing the great sea passage was to secure means to equip such a vast army as would drive the Turk from Constantinople and liberate the Holy Sepulchre. The New World was explored in order to present it to Christ and the Christian faith. Even the artists were at work for the Church, and

almost all their masterpieces were religious in subject and theme. The very humanistic bent was, at least at its origin, a Christian effort: a noble endeavor inspired by the ecumenic need to widen as much as possible the comprehensiveness of Christianity so as to include the wisdom of all peoples and ages. The very problems that convulsed sixteenth-century Europe and made of it two enemy camps were theological ones—the momentous questions made so familiar by the Middle Ages. Spain, for a time politically the greatest nation and religiously the center of Christianity, produced men who, in answer to the adversaries of the Church, drew powerful arguments from the *philosophia perennis* of the Middle Ages and genially adapted them to current exigences.

On the other hand, this was the time when the old order was dislocated if not destroyed. The two major truths and principles (God and man, nature and grace), the grasping of whose distinction and conciliation constituted the incomparable achievement of the Middle Ages, were fiercely attacked by the Protestant Revolt and the pagan segment of the Renaissance. Each of these divisive forces attacked what the other kept: the reformers surged against nature and man utterly to damn them, while some humanists neglected God and grace to cling exclusively to nature and man. Thus occurred the fracture that is still today the over-all reason for man's and society's tragic plight. For, once the medieval synthesis was broken and the Church forced to withdraw from vast geographic areas and to abandon the leadership of intellectual speculation and pursuit in a world turned against her, Protestantism and pagan humanism opposed each other more bitterly and fundamentally than they had opposed the Church. One against the other, each clung to its half-truth as if it were the total truth. And the human mind was left spinning, unable to regain a lost balance, drawn by an absurd law of double and irreconcilable gravity, passing from one venture to another, alternating between moments of exhilaration and spells of frustration, but plunging inexorably into despair.

At length, the new forces defeated the old. By the end of the sixteenth century a new mode of thinking had replaced the Christian vision. Man became the center and the measure of all things, and in his search for principles of truth and norms of action he recognized but two guides, reason and experience.

## ABSOLUTISM

Three great movements of thought marked this period of transition from medieval to modern times: humanism, the Protestant revolt, and the Catholic reformation. This was also a time of discovery and colonization. Most important politically, however, were the consolidation of the modern state and the rise of absolute monarchy, the latter a hereditary form of government with no established constitutional authority to check the kings or call them to account effectively.<sup>1</sup> Rightly, then, is the political thought of the time seen primarily in terms of writers and ideas that either helped or opposed the triumphant march of absolutism. Outstanding among the champions of absolutism were Machiavelli, Luther, James I, and Bodin, the last named a French philosopher whose doctrine of sovereignty was to serve as the best support, first of royal and then of state absolutism. Against absolutism of one form or other wrote the monarchomacs, the Christian humanists More and Erasmus, and particularly the Jesuits Francisco Suárez and Robert Bellarmine. There were others, such as the Anabaptists, who opposed not only absolutism but the very authority of the state and the state itself.

## MACHIAVELLI

It is not only impossible precisely to date the Renaissance, but it is also impossible to define humanism or reduce it to a single formula. To a great extent it was characterized by a *this worldly* attitude and point of view. Man gloried in himself and his natural faculties. He would exercise them to build a world of his own and to conquer time and space. Humanism, then, meant optimism, daring vitality, utter confidence in human skill and ability. In one sense, therefore, Machiavelli was representative of humanism, for his reality never transcended the worldly and historical range. The essence of his man was his political nature (for Machiavelli, to be a true man one had to be a *civis*, a citizen), and it was on him

<sup>1</sup> Classic examples of absolutist rulers are the Tudor kings of England (1485-1603), Louis XIV in France (1643-1715), Frederick the Great of Prussia (1740-1786), Catherine the Great of Russia (1762-1796), and Joseph II of Austria (1780-1790).

that Machiavelli's attention was constantly riveted. Yet, in another sense, Machiavelli seems hardly to agree with the humanist mentality. His bleak, one-sided view of reality led him to conclude that, human nature being so selfish and cowardly and forever prone to disorder, man will choose order and discipline only under a superior force—the state. It was an appraisal of human nature closer to the Protestant theory than to the Renaissance spirit. But Machiavelli returns to the humanistic fold when, to remedy man's restlessness and wickedness, he turns not to supernatural grace but to the providential prince—to a man's strength and wisdom and astuteness and luck (*The Prince*). While it may be justly argued that Machiavelli's ideal form of state was not the principate but the republic, a free government under a strong central authority such as that of Sparta and republican Rome (*The Discourses*), there is no doubt that under both forms the *raison d'état* knows no limitations and the sacred selfishness of the state is to run unchecked. Indeed, public morality has no place in any of Machiavelli's political constitutions.

#### LUTHER

The political conditions of the sixteenth century exerted no small influence on the Protestant revolt. Even greater was the influence of the latter on the former and, in general, on the political thought and practice of modern times.

While Luther (1483-1546) <sup>2</sup> nowhere worked out a political system, he not infrequently dealt with political questions, par-

<sup>2</sup> Born into a peasant family in 1483, Luther early entered the Augustinian order, became a priest, graduated from the University of Wittenberg, where he taught Biblical exegesis from 1511 to 1546. In 1517, on the eve of All Saints, he nailed to the door of the University church his ninety-five theses or "Disputations on the Power and Efficacy of Indulgences." His public heretical teaching and his refusal to obey ecclesiastical superiors brought him excommunication by order of Leo X (1520). Afterward Luther broke openly with the Church and gave himself to the organization of the sect he had inaugurated. He died in 1546. "He is an intriguing figure, nor did his neurosis wipe out a winsome personality. He was of a brusque, violent nature, but honest, sincere, and kindly. He had deep and rich insights, but his intellect was always subservient to psychic pressures which made existence for him an intense anxiety" (Gustave Weigel in *The Great Books*, ed. by H. Gardiner [New York: Devin-Adair, 1951], Vol. III, pp. 69, 70).



ticularly in his *Concerning Good Works* (1519), *Open Letter to the Christian Nobility of the German Nation, Concerning Secular Authority: to What Extent It Should Be Obeyed* (1523), and in his *Exhortation to Peace* (1525). There are, moreover, political implications almost everywhere in his theology.

As already noted, there was a sharp divergence between Luther's idea of man and the philosophy of the Renaissance. Pico della Mirandola had said: "This is the condition in which we were born, that we can be what we want to be"; and this statement well epitomized the essence of humanism, both Christian and pagan. The pagan humanists ignored God, and centered life and the universe around man, who could, according to them, do much without divine help and grace. The Christian humanists, on the other hand, while extolling man's dignity and potentialities, steadfastly emphasized the need for supernatural faith and assistance. They saw man capable of triumph in every field provided that he trusted in God and availed himself of His generous aid. Luther disagreed with both, rejecting the possibility of man's reaching any truth by reason and denying his capacity for applying the law thus rationally discovered. The German founder of Protestantism denied man's free will and saw his nature as intrinsically wicked because of original sin. What Luther did in taking this stand was to tear an intellectual and moral fabric in whose weaving the greatest minds of classical, medieval, and humanistic culture had collaborated. As a further consequence of this grim principle, Luther taught that man has no value whatever. In 1535 he wrote: "All that is in our will is evil, all that is in our intellect is error." He also denied the possibility of good works in the external world: "justice," in the traditional sense of man's free correspondence to divine will, had no place in his theology. The only way to be just was to accept Christ and cling to Him in the intimacy of one's own soul, allowing Him to work out man's redemption despite his sins or rather because of them. All laws became intrinsically invalid, and first of all divine law, which, Luther maintained, it was impossible for a Christian to observe.

Applied to the political realm, these Lutheran ideas served the cause of absolutism in no small measure. They provided a theological basis for its moral justification. Yes, Luther separated the level of faith from that of law. In the former, he held, the Christian is king, member of a celestial royalty, free with a liberty and



sovereignty he must never in the least relinquish. But in the temporal order, the order of law and sin, the secular authority is undivided and uncontrolled. The game of politics is a game of force and violence, and the spiritual norm does not apply where brutality and savagery rule. Yet Luther considered all temporal authority perfectly legitimate. He accepted and interpreted literally St. Paul's statement: "There exists no authority except from God." Divine in origin, authority also has a divine mission: it is a minister of God, and all who possess it, even the bad, are God's servants. Therefore, the Christian's attitude before authority is one of obedience and submission, accompanied by internal assent to the ruler's will.

To these principles Luther added an emotional element that tended sharply to separate ruler from subject, governors from governed. The ruler represented God in the midst of the external world, and an aura of divine majesty enveloped him and his office. The people were the embodiment of all evils, a mass ridden by the consequences of the original fall, its worst manifestation in the external order. For them, the ruler's command and punishing sword were to serve the same purpose as chains and cages for wild animals: they were to check and control the people's exterior behavior so that external peace (the aim of civil authority) could reign among men. This concept of ruler-subject relations undoubtedly helped introduce a society unknown to the Middle Ages and the Renaissance: a society whose governing class looked with scorn upon the masses until it toppled amid blood and cruelty when popular reaction understandably exploded against it.

Luther never wavered in his belief in the divine origin and mission of temporal authority. In a world marked by necessity and marred by iniquity, the temporal authority was for him the sole guarantor of peaceful living, the sole guide to salvation. Somberly he proclaimed: "The hand that carries the sword and exterminates is no longer a human but a divine hand; it is no longer man but God who hangs, fries, beheads, slits throats, and makes war." Hence the excessive exaltation of secular authority and the ruler—a characteristic element of Lutheranism.

Is this authority unlimited? Just how far should it extend? To the strictly temporal or even into the spiritual? In other words, does the secular prince's responsibility for his subjects' spiritual welfare entitle him to intervene in spiritual matters and to exact obedience to his decisions on religious questions? Although, logi-

cally, Luther's principles were headed in that direction, he himself resented the secular prince's actual exercise of ecclesiastical supremacy. And, when the German Elector proceeded to the visitation in 1528 and in his instruction claimed exclusive competence (as inherent in his very temporal power) to visit the German churches, Luther protested a confusion of jurisdictions. But there was little on which to base his objection. In 1541 he rallied to the inevitable by accepting the *fait accompli* and consenting to the consistory established and controlled by the electoral chancery.

Luther profusely advises the prince on the Christian exercise of secular authority. He wants him to look after the welfare of his people and to prefer peace and order to spectacular achievements. Luther warns that his office is a cross, heavy on his neck, and that more often than not his lot will be misunderstanding, ingratitude, even betrayal. Above all, the prince must not open his mind to or trust anyone. He is above the law, above the books, above tradition and precedents, above experts and competents. He must rely but on God (or His prophet), speaking as it were into His ear, asking of Him wisdom and understanding. Finally, Luther insists on dealing with the wicked with exemplary severity.

Luther admits that one seldom finds an intelligent and just ruler. Usually, secular rulers are the craziest and worst rascals on earth. Yet, even then, nothing should be done against them: "A prince may violate all God's commandments; this will not make him less an emperor or less a prince." It was a hopeless doctrine rooted in a pessimistic view of man. Man is wicked, restless, undisciplined: how can the prince govern according to the gospel?

## CALVIN

Jean Chauvin or John Calvin (1509-1564) expressed his political ideas in his *Institutes of the Christian Religion* begun in 1534 in his native France and completed in Basel the following year. Its first edition, in Latin, published in March 1536 and containing six chapters, was followed by others in French in 1541, 1559, 1560. The last contained fifty-four books and eighty chapters. It is in Book IV, chapter 20, that Calvin presents his theory of civil society.

Civil society, the natural community linked by political ties, he distinguished from the Christian community united by super-

natural bonds; but in the final analysis the separation of the two, already not too pronounced in the *Institutes*, was practically effaced when he himself held the power in Geneva. Calvin's civil society is, at least potentially, a Christian society. The day it will exist properly as he would wish and as it should, its primary function will be to defend and protect a single religion and a single religious group: Calvinism. So much so that Calvin makes his ideal state completely subservient to religion and reduces secular government to a church department.

Calvin's civil society has three elements: the magistrates, the law, the people. To ensure the community a beneficent order, these must be in close collaboration. The magistrates are ordained by God for the welfare of their fellow men. Their office is not only lawful but exalted and, in a sense, sacred. For they are ministers of God and their mission is to preserve public tranquillity and morality. They punish the wicked and do so justly and severely—with "a fully drawn sword." While the magistrate is a living law, the law is a "silent magistrate." Every just law is to be accepted and obeyed. Laws that are unjust, laws that violate equity, are null and void. (It is with this notion of *equity* that Calvin introduces a criterion that in due time will make it possible for the citizens to indicate which laws are to be rejected.) The people obey with love and reverence. They accept authority willingly and joyfully. Their submission to the magistrates is not a resignation to a necessary evil but a positive homage analogous to that given God through the virtue of religion. Obedience and respect must mark the people's attitude toward even unworthy and despotic rulers. Should civil power, then, be abused or should it be inspired by a spirit other than Christian, let the people remain submissive and repent and pray. Only when the laws conflict with God's laws are the citizens dispensed from obedience; but even then their resistance may be only passive and respectfully manifested. Vainly would one search in Calvin's theory for a justification of active resistance to despots.

Yet Calvinism, as a historical fact, helped the rise of democracy, for in some strange way it exercised a powerful impact on the intellectual movements that led the revolt against absolutism. The reason for this is to be found in certain elements or factors that were at the very foundation of Calvinism: a pronounced individualism, expressed especially in the notion of *equity*, which was

to permit and even encourage the free judgment of individual citizens as to which laws should be disregarded in conscience; the moral responsibility so deeply injected into the doctrine of political action; the very organization of the Calvinist church (the presbytery, a council or court of elders), which rejected the neat hierarchical pattern and class distinctions. Moreover, though undeniably autocratic in character, Calvin felt an intense dislike for royalty and for whatever leaned to a class-conscious mentality.

### BODIN AND HOBBS

If Machiavelli and Luther helped the rise of absolutism, Bodin and Hobbes may be considered its outstanding philosophers, and James I and Bossuet its most famous portraitists and panegyrists.

Bodin (1530-1596), with his *République*, supplied the modern principle of the state's essence—its sovereignty. He was one of the first to grasp and give expression to an extremely important idea—the idea that political authority, the power of the state whereby laws are established and enforced, is above all human laws and that, to find out who is the sovereign in the state, one need only look for the single individual or the collective body truly and permanently vested with such power by the constitution.

To this idea Hobbes (1588-1679) added a new element that helped the cause of absolutism as well as that of arbitrariness. For the author of *Leviathan*, state sovereignty as vested in the absolute ruler is not only inalienable, indivisible, and unpunishable; it is also free of all moral limitations, even those deriving from natural law. Moreover, Hobbes justifies absolutism on the ground that man's nature being radically vicious and nasty and man's instincts persistently antisocial, the only check is centralized and absolute authority. Without it anarchy would reign. Finally, Hobbes emphasized Bodin's contention that all intermediate groups (such as the manors, the guilds, the towns, and even the Church) could not claim independence *vis-à-vis* the state.

### JAMES I AND BOSSUET

James I (king of England from 1603 to 1625) was another champion of absolutism. He is known for his insistence on the theory of the divine right of kings as the justification for exacting



perfect obedience from his subjects. This doctrine was almost an obsession with James<sup>3</sup> and he defended it in several pamphlets and books: *The True Law of Free Monarchies* (1603), *An Apology for the Oath of Allegiance* (1607), *Declaration . . . for the Right of Kings* (1615). The divine right theory maintained that the state is a direct creation of God, its ruler divinely appointed through dynastic hereditary right and responsible to none but God. Thus, for James I, obedience to the state and the monarch was both a civil and a religious duty, and resistance to or rebellion against them was never morally right no matter how incapable, wicked, and despotic the ruler. The king was not only under no man but also under no law.<sup>4</sup>

In France, where absolutism reached its zenith with Louis XIV, the presentation and exaltation of a somewhat modified divine right theory became the task of Bishop Jacques-Bénigne Bossuet (1627-1704), the famous orator of the royal chapel who was, from 1670 to 1679, tutor to the king's only son. In his *Poli-*

<sup>3</sup> It continued to haunt the other Stuarts. As late as 1681 Charles II was still asserting: "We . . . believe and maintain that our Kings derive not their title from the people but from God; that to him only they are accountable; that it belongs not to subjects, either to create or censure, but to honour and obey their sovereign, who comes to be so by a fundamental hereditary right of succession, which no religion, no law, no fault or forfeiture can alter or diminish." Quoted by J. N. Figgis in *The Theory of the Divine Right of Kings* (Cambridge: The University Press, 1896), p. 6.

<sup>4</sup> Absolute kings and their supporters held that the law was no more than the will of the sovereign. Against this view were those who believed in a law of God and nature, as well as in a common law of the land, to which all, kings and subjects, were to bow. This is what Sir Edward Coke (1552-1634) meant when in 1608, notwithstanding the peril of losing his head, he dramatically flung in the furious face of absolutist James I, Bracton's immortal words: "The king ought not to be under man, but under God and the law" (*sub Deo et lege*). Though not by way of defending a lost cause, one is tempted to remark that in pre-revolutionary Europe, in the despised ages of divine right, a king, while claiming to be above the law, at least recognized his duty to obey God and to respect the basic rules of the realm. But when a kind of "democracy" came (the Jacobin or totalitarian democracy or continental liberalism), all sovereign powers were transferred to the "people" without the restrictions that had until then accompanied their exercise (God's law and the sobering thought of God's judgment). See on this point B. de Jouvenel, *Sovereignty*, translated by J. F. Huntington (Chicago: University of Chicago Press, 1957); also R. Guardini, *Die Macht, Versuch einer Wegweisung* (Würzburg: Werkbund, 1951), pp. 37f.



*tics Derived from the Sacred Scripture*, Bossuet describes monarchy. It is *sacred*: the king's power comes from God directly; he is God's vicar on earth; not only his office but also his person is sacred; to revolt, even against the king who rules tyrannically, is a sacrilege. It is *absolute*: the king is not obliged to render an account to anyone; there is no appeal against his judgment; he may be subject to some laws but he is not subject to their penalties. It is *paternalistic*: the king is a father to his people; therefore he must be dedicated to their welfare and deal with them with kindness and firmness; on the other hand, the people must love and respect him as children their father. It must be *reasonable*: government is a function that implies knowledge of law and men, the ability to recognize the opportunity for action and how and when to speak or listen, the art of gathering information and choosing good counselors, the science of making decisions alone—all of which require an intelligent, prudent, alert monarch. It must be *just*: absolute government must never become arbitrary; the former is a legitimate regime, for under it the citizens are free and their property inviolable; the latter is a corruption of power, for it tramples upon individual freedom and security and has no respect for the subjects' property.

### THE MONARCHOMACS

While some writers favored absolutism for such a wide variety of reasons, others, among them Catholics and Calvinists (not Lutherans), were fighting it for several and, frequently, differing motives. As a rule, all agreed on limiting the royal power and even resisting it in certain circumstances. There are famous expressions of this doctrine of containment and resistance.

Hotman's *Franco-Gallia* (1573) is a treatise, more historical than political, that, through a study of French history, sees the ideal monarchy in the elective type subject to the "estates" or national assembly.

*Vindiciae contra tyrannos* (1579) by Junius Brutus (probably a pseudonym for Hubert Languet) presents the idea of the political contract by which the people made the kings, to show the legitimate foundation of non-obedience and resistance and revolt not only in matters of religion but also when natural rights are at stake; it holds the monarch accountable to God and the people,

and declares the latter both guarantor of and party to the contract. This was a new political principle that, variously expounded and interpreted, was to inspire and justify the English, American, and French revolutions.

*De iure regni apud Scotos* (On the Law of the Realm among the Scots, 1579), by George Buchanan, is a defense of the doctrine of tyrannicide.

*De iusta abdicatione Enrici III* (On the Just Abdication of Henry III, 1591), a work by a Parisian priest, Boucher, defends the right of the people to depose and even to kill their king should he become a despot. Boucher insists that by choosing a king the people are not deprived of their power and that no other civil war is more just than one undertaken for home and altar.

*De reipublicae christianae in reges potestate* (On the Power of the Christian Commonwealth on Kings, 1591), by Rose, Bishop of Senlis and member of the League,<sup>5</sup> reasserts the usual monarchomac principles and refutes the objections to them.

*De rege et regis institutione* (1599), by the Spanish Jesuit Juan de Mariana, emphatically justifies the killing of the tyrant (not only the usurper but also the legitimate ruler when he abuses his authority).

*Politics Systematically Considered* (1609), by Johannes Althusius, sees the power of the state as neither absolute nor supreme but limited by divine positive and natural laws, and the terms of the pact with the people as the ultimate source of sovereignty.

#### ERASMUS AND MORE

Two great Christian humanists also sided with the opposition. One was the Dutch Desiderius Erasmus (1466?-1536), the vagabond monk so bizarre and eccentric, yet the capital and most influential figure of his age; the theologian so devoted to quiet scholarship, yet so passionately dedicated to the regeneration of man through the purification of religion and the Christianization of culture. Erasmus sought, in his many books and voluminous correspondence, to humanize and evangelize politics, always, however, without abrupt changes and violent revolutions. To the princes he

<sup>5</sup> The Catholic League was an association established by intolerant French Catholics who resented the edict of toleration of Henry III (1576) and wanted to destroy everything that failed to meet their terms.

recommended moderation, prudence, benignity. Although he did not attack monarchy as such (in fact, he was justly called "the theoretician and censor of monarchy"), he tried nevertheless to prevent its declining into tyranny. For this purpose he spoke clearly in favor of an elective monarchy and for a royal government tempered by aristocratic and democratic elements, willing to respect or grant local freedoms and allowing everyone, especially poets, scholars, and political philosophers, freedom of opinion and expression. As to the tyrant, Erasmus approvingly repeats Seneca's saying: he should hang with thieves and pirates.

A dear friend of Erasmus, Sir Thomas More (1478-1535), shared his hatred for war and violence and injustice as well as his desire for perfection and universality. With him More strove to ameliorate the conditions of Church and society. In his many treatises and particularly in *Utopia* (1516),<sup>6</sup> under the guise of treating of French institutions or the problems of an imaginary island, More bared the defects of monarchy and presented an ideal country free of political despotism and social exploitation—the two glaring evils of the England of his day. To them he opposed a system of equality and economic control, thus anticipating by centuries general interest in such vital issues as production and distribution.

### THE ANABAPTISTS

Monarchomacs and Christian humanists were for the limitation of political authority. Others refused to recognize it in any form. A great number of Anabaptists followed the latter doctrine, at least for a time, pushing it to its extreme consequences and giving rise to the objection of conscience (the total and absolute refusal to collaborate in any way with the secular authority and the

<sup>6</sup> The word *utopia*, the name given by More to the land of his fancy, comes from the Greek and means *nowhere, no place*. Other utopian books have since made their appearance. The long and interesting series includes Campanella's *City of the Sun* (1623), Francis Bacon's *New Atlantis* (1627), Harrington's *Oceana* (1656), Gabriel de Foigny's *A New Discovery of Terra Incognita Australis* (1676), Ludvig Holberg's *Niels Klim's Journey under the Ground* (1741), Etienne Cabet's *A Voyage to Icaria* (1845), H. G. Wells' *A Modern Utopia* (1905). See Negley and Patrick, *The Quest for Utopia: an Anthology of Imaginary Societies* (New York: Henry Schuman, 1952).

secular order). The state and its power were considered evils in themselves—military service was refused, no taxes were paid, even the benefits deriving from membership in the political community were renounced. Such was the radicalism of Gregory de Brzeziny. Logically, in politics the Anabaptist became a prisoner of his own criticism, and could do nothing for the redemption of the state. Once aware of this, some Anabaptists tried to find a doctrine of the state that would repudiate absenteeism and make possible co-operation in the promotion of justice in the very area where so much was possible and necessary. Little by little, in Bohemia, the Low Countries, Lithuania, Poland, the Anabaptists accepted all burdens and rights of loyal citizens and limited their original radicalism to a humanitarian and egalitarian spirit content with constant evolution and reform within the law.

#### BELLARMINE

In the history of political thought, the Italian Robert Bellarmine (1542-1621), Jesuit, saint, and Doctor of the Church, is justly famous for his treatment of two political doctrines: one concerns the origin and exercise of political power; the other, the power of the Church in the temporal order. An advocate of a mixed monarchy and of freedom, Bellarmine maintained that the authority of the state or political power is not (as all contractual theorists affirm) created by men but vested or deposited by God, following the regular course of nature, in the whole people as soon as they have organized themselves as a civil community. He further stressed that, in turn, the people, being unable to exercise political authority directly, are bound to "communicate it to one or several." It was a doctrine much like that of Suárez. But, unlike Suárez, Bellarmine went on to assert that independently of the terms of the "communication," the people always retain the supreme power radically (*in habitu*) and may at times actually retake and re-exercise it (*in actu*).

As to the power of the Church *in temporalibus*, Bellarmine voiced his opinion in two central truths. These are: the Church enjoys a universal spiritual sovereignty; both emperors and kings (that is, all holders of political authority) are subject to this spiritual sovereignty. His theory of the indirect power is a natural consequence (a theory, however, of which he is an outstanding ex-



ponent and defender rather than the inventor). By jurisdiction of an indirect kind Bellarmine meant "the jurisdiction which the pope has over the temporal in its relation to the spiritual." Properly and in itself papal jurisdiction concerns the spiritual; it is possessed and used by the Church and her hierarchy only to direct and guide man in his spiritual journey to eternal life. But the spiritual end has primacy over the temporal end. If a conflict should arise between the two, there is no question as to which has the last word. Therefore, the spiritual power may *on occasion* extend into the temporal order; and the occasion arises only because of "a serious reason, especially a concern of faith." Bellarmine leaves to the pope the decision, in a particular instance, on whether or not there exists a danger to faith or morals so clear and present as to justify his intervention in the temporal. When the pope intervenes, he does so by directing, judging, and correcting not only private individuals but also Christian kings and emperors "in such a way that [and here is an extreme application of Bellarmine's doctrine] if the cause of Christ and the Church demand it, he can strip them of their reign and empire, and transfer their royal or imperial power to others."<sup>7</sup>

#### BELLARMINE REAPPRAISED

Bellarmino's theory, directed against the doctrine of total subordination of the state to the Church and expressed in his first volume of *Controversies* (in the fifth book "On the Supreme Pontiff"), was at first, to say the least, eyed with suspicion. Sixtus V thought for a time of placing the entire book on the Index. Soon, however, it was accepted by theologians and canonists until it became, throughout the Church, the classic and common dictum that it remains today.

In expounding the indirect power theory, Bellarmine's followers came to the conclusion that the state must not only publicly profess religion, but it must also recognize the true (Catholic) religion. This would amount to some sort of Church and state union, but a union not necessarily identical or coextensive with any specific form of union that actually obtained in a given country or period.

<sup>7</sup> Quoted in J. Courtney Murray's "St. Robert Bellarmine on the Indirect Power," in *Theological Studies*, IX (1948), 534.



All that is essentially comprised in the union of Church and State can be thus formulated: The State should officially recognize the Catholic religion as the religion of the commonwealth; accordingly it should invite the blessing and the ceremonial participation of the Church for certain important public functions . . . ; it should recognize and sanction the laws of the Church; it should protect the rights of the Church and the religious as well as the other rights of the Church's members.<sup>8</sup>

<sup>8</sup> Ryan and Boland, *Catholic Principles of Politics* (New York: Macmillan, 1948), p. 316. See also *ibid.*, pp. 311-323. The traditional theory was recently restated by the Rev. Francis J. Connell, C.S.S.R.: "Catholics should not hesitate to state that even if at some future time the number of Catholics in the United States should become so great that they would possess the balance of voting power, there is no reason to believe that they would demand any special governmental favor for the Catholic Church or restrict the freedom of other religious groups. For it would still remain true that the evil consequences of any change of our traditional system of full freedom for all would far outweigh the benefits, so that the Catholics in such a hypothetical—though improbable—eventuality would be acting fully within the norms laid down by their Church if they continued the American tradition of equal rights for all religions. This does not mean that we should present the American system as ideal. However much we may praise it, as far as our land is concerned, it is not *per se* preferable to the system in which the one true Church would be acknowledged and specially favored. . . . We must not, therefore, regard the American system as the best, absolutely speaking, even though we may justly praise the liberty which the Church enjoys in our land. Above all, we may not condemn the system of concord and cooperation between Church and State which Christ willed to be the proper situation when circumstances permit—that is, in a land where Catholicism is the religion of practically all the people and there exists a long-standing Catholic tradition. Neither should we object, at least as far as principles are involved, to the restrictions which Catholic nations of our own day are placing on non-Catholic propaganda. We have no reason to be ashamed of the doctrine of Church and State as proclaimed by the Catholic Church. In addition to the fact that it is based on the law laid down by the Son of God, it is paralleled by the practice of certain non-Catholic sects. Why should we hesitate to speak of the union of the Catholic Church with the State as desirable *per se* in a Catholic land, when we have examples of a union between a Protestant church and the State in Protestant lands, such as England and the Scandinavian nations? . . . On historical grounds there is much more reason to expect that a Protestant sect would seek special governmental favors in our land than the Catholic Church, since the only instances of state established churches we have had in America were of Protestant organizations" ("The Relationship Between Church and State," *The Jurist*, XIII [October, 1953], 412-414). For a brief discussion of

Concerning members of other religions, neither unbaptized persons nor those born into a non-Catholic sect must ever be coerced to accept the Catholic faith. Within certain limits at least, the state should tolerate their mode of worship. But propagandizing the erroneous doctrine among Catholics is to be forbidden. Of course, these propositions (constituting the Catholic *thesis*) apply only in the ideal condition, that is, in a Catholic state—and, roughly speaking, a state is Catholic when the overwhelming majority of the population is Catholic. Then the state must permanently and unalterably abide by them. In other states the so-called *hypothesis* would apply: the Church is simply to be content with “the more or less generous treatment accorded by the laws of the country to associations” and with taking advantage “without restrictions or privileges of the rights of the common law.”<sup>9</sup>

Recently the entire problem of Church and state relations underwent a new scrutiny and Bellarmine’s traditional theory was thoroughly reappraised by some Catholic theologians and philosophers. Outstanding among them are the American Jesuit John Courtney Murray, a theologian, and the French Jacques Maritain, a philosopher. It is too early even to try to read in their writings a complete and definitive statement of their view on the subject. Both are still in the process of crystallizing their concepts, and perhaps they themselves have not yet reached a full and satisfying solution. But on one aspect of the issue (whether the state should choose tolerance or intolerance) Murray and Maritain seem more or less agreed. A system of legal and friendly (not theological and inimical) “separation” of Church and state as exists, for instance, in America, may be justified not only on the level of expediency (*in hypothesi*), but also on the level of principle (*in thesi*). In other words, should even the condition of an overwhelming Catholic majority be realized, there is nothing in the Church’s doctrine and tradition that would prevent her from accepting or preferring a Church-state relationship different from the confessional state—nothing to make her establishment as the *unica status religio*, with its logical and juridical consequences (such as a certain degree of intolerance and, specifically, the governmental repression of hereti-

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Church and state relations in general, see Schmandt and Steinbicker, *Fundamentals of Government* (Milwaukee: Bruce, 1954), pp. 189-201.

<sup>9</sup> *A Code of Social Principles*, 3rd ed. (Oxford: Catholic Social Guild, 1952), p. 40.

cal propaganda), the automatic and necessary choice. This, at least in Murray's later view, would not mean that the establishment is to be *a priori* condemned. It means simply that, in this question of Church and state, the principles always valid (of themselves transtemporal and not to be tampered with in any way) are the independence of the two societies each in its own area and the necessity of their cooperation. A concrete interpretation of these principles results, in turn, in the positing of three other principles that are equally firm, absolute, and permanent: (1) the Church, as a spiritual power, is free to teach, rule, and sanctify; the Christian people are free to believe, obey, receive the sacraments and other means of sanctification; (2) there must be harmony between state laws and Church laws, whereby man's life is governed, between the social and political institutions of the commonwealth and the demands of the Christian soul; (3) there must exist an ordered bilateral cooperation between Church and state. In the fulfillment of these three principles in the best possible way in each given age and place and situation Murray sees the only and substantially immutable Catholic exigence. What others term *thesis* and *hypothesis* disappear from the system of Church-state relations. The "disjunctive" theory of Bellarmine and his followers is replaced by Murray's "unitary" view. The confessional state or a legal separation in a democratic form of political society becomes but a means whereby the unchanging principles are applied in this or that historical milieu. Where and when and whether their application should take this or that form becomes a matter of human prudence. As often as the choice is to be made, one faces a *quaestio facti*—the question of the public good and of what better suits it at the moment: and a question of fact refuses by its very essence an arbitrary or preconceived answer. Indeed, no ideal solution is possible, for a question of fact among living men deals necessarily with the human condition of error and evil. The most one can expect is that the solution (intolerance or tolerance, confessional state or otherwise) be useful, that is, conducive to the unity of peace. Murray does not say that intolerance *per se* is better than tolerance, or vice versa. It all depends: if the lay statesman (and in a democratic country the ultimate statesman is the people, whose mind must be prudently sounded and weighed), having heard on this matter of mutual concern the head of the Church, chooses the establishment, this might be the better law in that in-

stance. If, on the other hand, intolerance is rejected (as inviting hatred of the faith, sowing confusion and disunity, or bringing about a universally displeasing and disturbing reversal of a traditional law of the country), then tolerance to other sects and cults will have to be considered the best legal decision in the circumstances. In other words, in deciding on a policy (an application of principles), the proper approach to the question of Church and state is not insistence on an ideal prefabricated thesis, but on the public usefulness of the law that will embody the choice of the moment. One cannot ask less, or more, of a state (or statesmen) than that it make a good law—a just, useful, honest law, all things considered. Any time a good law is made wherein the three absolute principles find a proper application, the Church may well feel that her inalienable rights are adequately met and protected.

In regard to the American system of Church and state relations (embodied in the first amendment), Murray maintains that the American Catholic, loyal to his Church and loyal to his country and its political tradition, justly sees therein a good law and has no desire to change it. The American political tradition has nothing in common with the sectarianism of the Jacobin ideology or even with the unilateral and secularistic slogan, "A free Church in a free State." Continental liberalism, whether in its rigid form, as exemplified by the French Law of Separation of 1905, or in its moderate form, which holds that in theory Church and state are supreme societies but in practice each should pursue its aim its own unconcerned way, was vigorously and repeatedly rejected by the popes: Gregory XVI with the encyclical *Mirari vos* (1832); Pius IX in the *Syllabus* (1864), a list of eighty propositions held erroneous by the Church; Leo XIII in the encyclicals *Immortale Dei* (1885), entirely dedicated to the Christian constitution of the state, and *Libertas praestantissimum* (1888), on the true meaning of freedom in general and on the freedom of speech, press, teaching, and conscience in particular; Benedict XV in the encyclical *Ad beatissimi* (1914). On the contrary, the American policy of Church and state relations, as expressed in the first amendment ("Congress shall make no laws respecting an establishment of religion or prohibiting the free exercise thereof"), has no theological connotation, sectarian inspiration, or inimical implications. Leo XIII's condemnation of continental liberalism can in no way be construed as being likewise directed against the American consti-



tutional provision that places a limitation on the governmental power for the sake of the common good. In addition to the Leonine texts and other pertinent documents, an attentive reading of Pius XII's addresses to the National Convention of Italian Catholic Jurists (December 6, 1953) and the Tenth International Congress of Historical Sciences (September 7, 1955) is indispensable if one would penetrate the mind of the Church on the whole subject of tolerance and intolerance.<sup>10</sup>

In summary, this is how Murray states the problem and his answer:

Can the Church accept as a valid adaptation of principle to the legitimate idea of democratic government and to the historically developed idea of "the people" (to which democratic government appeals for its legitimacy), a constitutional system of Church-state relations with these three characteristics: (1) the freedom of the Church is guaranteed in a guarantee to the people of the free exercise of religion; (2) the harmony of law and social institutions with the demand of Christian conscience is to be effected by the people themselves through the medium of free political institutions and freedom of asso-

<sup>10</sup> For the text of Pius XII's address to Italian Catholic Jurists, see *The Catholic Mind*, LII (April, 1954), 244. A bibliography of the recent controversy on the subject of Church-state relations necessarily includes Murray's "Governmental Repression of Heresy," *Proceedings of the Third Annual Meeting* (Chicago: The Catholic Theological Society of America, 1948), pp. 26-101; his articles in *Theological Studies* from 1945 to 1954 (important passages from which are found in *A Church-State Anthology: The Work of Father Murray*, ed. by V. R. Yanitelli, reprinted from *Thought*, XXVII [Spring, 1952]); J. Maritain, *Man and the State* (Chicago: University of Chicago Press, 1951), chap. VI, "Church and State," pp. 147-187; G. W. Shea, "Catholic Doctrine and 'Religion of State,'" *American Ecclesiastical Review*, CXXIII (1950), 161-174; A. Messineo, "Democrazia e libertà religiosa," *Civiltà Cattolica*, CII (1951), 126-137; J. C. Fenton, "The Status of a Controversy," *American Ecclesiastical Review*, CXXIV (1951), 451-458; F. J. Connell, "Christ, The King of Civil Rulers," *American Ecclesiastical Review*, CXIX, No. 4 (October, 1948), 244-253; "Reply to Father Murray," *American Ecclesiastical Review*, CXXVI, No. 1 (January, 1953), 49-59; "The Relationship Between Church and State," *The Jurist*, XIII, No. 4 (October, 1953). See also A. Léonard, "Liberty of Faith and Civil Tolerance," *Tolerance and the Catholic*, ed. by Yves Congar (New York: Sheed and Ward, 1955); "L'Eglise et les libertés dans l'histoire," *L'Eglise et la liberté* (Paris: P. Horay, 1952), pp. 195-229; V. White, "Religious Tolerance," *Commonweal*, LVIII, No. 22 (September 4, 1953), 531-534; D. Rover, "Religious Tolerance," *Commonweal*, LIX, No. 18 (February 5, 1954), 450-452.



ciation; (3) the cooperation between Church and state takes these three forms: (a) constitutional protection of the freedom of the Church and all her institutional activities, (b) the effort of the state to perform its own function of justice, social welfare, and the favoring within society of those conditions of order and freedom necessary for human development, (c) the effort of the Church, through the action of a laity, conscious of its Christian and civic responsibilities, to effect that christianization of society in all its dimensions which will enable and oblige the state, as the instrument of society, to function in a Christian sense? This lengthy question is not to be transformed into a brief tendentious one: Can the Church at last come to terms with Continental Liberalism? The answer to that nineteenth-century question is still the nineteenth-century answer: No. But when the nineteenth-century question has been given its nineteenth-century answer, the twentieth-century question still remains unanswered. To it, as put, I am inclined to answer in the affirmative. The Church can, if she wishes, permit her principles of freedom, harmony, and cooperation thus to be applied to the political reality of the democratic state. The application of each of the three principles (freedom, harmony, cooperation) can be justified in terms of traditional Catholic thought, political and theological.<sup>11</sup>

### SUÁREZ

Francisco Suárez (1548-1617) is probably the greatest of all Jesuit thinkers and certainly one of the greatest political scientists of the sixteenth or any other century. His contribution to political thought is an outstanding example of what Catholic scholarship is capable of offering. Returning to the doctrinal syntheses of the thirteenth century, Suárez, in his monumental work, placed nature and man in their proper position ("neither too high nor too low"). But Suárez's return to the purest tradition was not a falling back or even a slowing down of the march of intellectual progress. He re-presented the truth, eternal and therefore ancient and always new, and applied it to current problems in a remarkable way.

The political philosophy of Suárez is found in his *De legibus et legislatore Deo* (1612) and *Defensio fidei* (1613). It is in the later work that Suárez analyzes the question of the origin of power raised by the Protestants, and refutes their divine right theory. He developed the arguments advanced by Bellarmine and added

<sup>11</sup> J. C. Murray, "The Problem of State Religion," *Theological Studies*, XII (June, 1951), 165.

others of his own to prove again that power is not vested immediately in any particular individual and that nature does not make princes or kings. Originally, he maintains, the public power to rule (and especially to make laws) dwells in the community as a whole, that is, in the general will of the "moral organism" that is the state, as soon as it has been established in conformity to God's will through a meeting or consent *hic et nunc* of human wills. Then, by an act of the same community, that power is delegated to this or that individual or group. The "delegation" may have the character of both a quasi-alienation and a transfer, conditioned however by the terms of the contract. It leaves the community the guarantor and judge of the observance of the pact and especially of the right use of the public power by the person or persons to whom it was transferred. The "delegation" bears upon or sets up any form of government that pleases the consenting general will: monarchy, even a temporary monarchy (whereby a king is elected for a time only), aristocracy, democracy; but the choice, once made, binds future generations. For Suárez constitutional law is of capital importance and must be adhered to faithfully: once it has been decided to place the public power in royal or aristocratic hands, the community no longer has the right to withdraw that authority and give it to others. This would be legal only if in the act of delegation the people retained such a right, or if customs (which in some countries take the place of a written constitution) entitled them to do so. Finally, in any case, when tyranny clearly sets in (and there is tyranny when the king or any other person or group holding supreme authority in the state governs against the common good), the public power, which by its very essence is directed to the collective welfare, is forfeited by the despot himself. Then the people find themselves in the exceptional situation of having to transfer the public power to a new and worthy incumbent.

Suárez does not favor absolute government. In his doctrine, as already noted, political authority is first of all limited by the very essence of public power—whose only aim is the promotion of the common temporal happiness of the members of the state. A government that would not promote this end would automatically outlaw itself. Suárez recognizes other restrictions. An internal limitation could well arise from a grant of freedom to subordinate communities (vassal states, cities, provinces), in which case the public power would be morally obliged to respect such

local liberties and privileges. Other limitations, called external because they derive from the relations of the state with other societies, are the results of the Church's indirect power and the realities of the international order. For Suárez the Church is another "perfect" society furnishing the faithful the totality of means for their spiritual aim: eternal salvation. As such, the Church possesses a power of jurisdiction that entitles her to certain positive rights: precisely, all rights without which she would be unable to fulfill her mission (the guiding of men to eternal happiness); hence, even the right to reach into matters that are as a rule of strict secular concern when (and only when) they truly affect in particular instances the spiritual welfare of the faithful. Suárez wants no confusion of the two societies, the political and the ecclesiastical, neither confusion at the expense of the Church (Luther and James I) nor at the expense of the state (Calvin). Both societies—though they should collaborate closely, for their combined aim is man's total happiness—are clearly distinguished by reason of their origin, purpose, and organization. The state in general is from God as Creator and therefore a society willed by natural law; in particular (this or that state), it is the product of human wills consenting to its establishment. The Church, on the other hand, is a supernatural society founded directly by God. Likewise, the state's aim is man's temporal happiness while the Church's is man's supernatural beatitude. Finally, the state is territorially limited; therefore there is a plurality of political societies enclosed by set boundaries. On the contrary, the Church is one, extending over the entire earth. The other external limitation derives from the *ius gentium*—the reality of neighboring states with their laws and customs, and above all from international society as a whole. Suárez admits that an international society as a supreme, legal organism with power to issue universal laws does not exist and never did. Yet he asserts that there is an international life constituted by the relations of nations between themselves that calls for certain rules of solidarity and mutual aid and gives rise to reciprocal rights and duties. It is the sum total of these rights and obligations that constitutes the *ius gentium*, both the law among nations—*ius gentium propriissime dictum* or public international law—and the law between citizens of different nations—*ius gentium proprium* or private international law. Suárez adds that all international regulations, as found in customary law, emanate

more or less from natural law: their most elementary and fundamental rule is "*pacta sunt servanda*" (agreements must be kept) while other principal rules concern diplomatic representation, commercial pacts, peace treaties, and even war.

#### VITORIA, SUÁREZ, GROTIUS

In his concern with the laws governing states in their interrelations, Suárez continued and perfected the excellent work of a fellow Spaniard, the Dominican Francisco Vitoria (1480-1546), whose treatises *On the Indians Recently Discovered* and *On the Law of War Made by the Spaniards on the Barbarians* are classics in the history of the doctrinal development of international law. In turn, the Dutch jurist Hugo Grotius (1583-1645), who acknowledged and utilized the findings of Vitoria and Suárez, further developed the science of the law of nations. It was he who clearly defined the *ius gentium* as a predominantly human law obtaining *inter civitates*, that is, between states. Unlike Suárez, who had represented it as a matter of a few rules deriving more or less directly from natural law, he saw in it an abundance of precepts touching international relations—in fact, he saw in it many more rules than those (affecting relations of states) contained in the natural law. But Grotius, like Vitoria and Suárez, viewed natural law as the ultimate foundation of international law and the universally valid criterion for judging the behavior of nations. Of course, even for Grotius natural law meant divine law. But in a well-known statement he formulated a hypothesis whose weight and consequences he did not measure: the hypothesis, abhorrent to him personally, that natural law would be valid even though "there were no God and human affairs would not concern him." With this pronouncement he unintentionally opened the way to naturalism and rationalism. Soon others repeated his statement not as something assumed merely for the sake of argument but as a true and undeniable principle. Thus natural law became a product of human reason. Grotius' justly famous work, *De jure belli ac pacis* (*On the Law of War and Peace*, 1625), treats principally of the law of war ("whether any war is lawful, and what is lawful in war") and little or only incidentally of the law of peace.<sup>12</sup>

<sup>12</sup> On Grotius' life and his and other jurists' contribution to the doctrinal development of the law of nations, see A. Nussbaum, *A Concise His-*



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*tory of the Law of Nations* (New York: Macmillan, 1954). See also the various works of James Brown Scott, particularly his Introductions to *Grotius' De jure belli ac pacis* and *Selections from Three Works of Suárez* in *Classics of International Law* (New York: Oxford University Press, 1925 and 1944).



## CHAPTER XIII • *Machiavelli*

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### LIFE

NICCOLÒ MACHIAVELLI, the son of a Florentine lawyer, was born in Florence on May 3, 1469. The span of his life coincided with one of the most vital and crucial periods in man's history. Shortly before his birth, Johann Gutenberg had given the world the printing press; in 1492 Columbus discovered America; in 1497 Vasco da Gama opened the Cape route to the East and Cabot landed at Newfoundland; in 1500 Cabral discovered Brazil; in 1519 Magellan began his voyage around the world. These years were also marked by a revival of classical learning and a new artistic movement that literally swept across Europe. This was the time, too, when the medieval view of a society unified under pope and emperor dimmed, if it did not completely disappear. In Germany and Switzerland there rose new prophets who challenged the pope's primacy, subverted old principles, and sought to change the very structure of the Church of Christ. In Italy, while the great masters enriched the world with paintings and sculpture, their countrymen were almost constantly in the throes of civil war—which situation was intolerably aggravated by the perennial interference of foreign rulers and mercenary troops.

Florence was no exception. Through the work of three generations of Medici, the government of the beautiful city on the Arno

had drifted into tyranny. But finally, in 1494, a surprisingly bloodless revolution put a temporary end to the Medici dictatorship and the old civil liberties were restored.

Florence immediately fell under the domination of the ascetic Girolamo Savonarola. For four years the Dominican friar imposed his evangelical radicalism on the "subtle minds and restless spirits" of the Florentine people. He gave them a constitution similar to that of Venice, based on civil and universal law, and he rapidly and successfully reformed the republic's internal life. But Savonarola's wide following soon dwindled and he found himself the target of a political and religious storm. It was an indignant and embittered Savonarola who after dramatic events was condemned to death. On May 23, 1498, the prophet with the voice of the whirlwind was hanged and burned at the stake.

Machiavelli had witnessed Savonarola's rise and fall. He had pondered the revolutionary merits of religion only to conclude that unarmed prophets—prophets relying solely on Christian virtue and prayer—must inevitably fail. Success must look to sterner means, the chief of which is force. It was a lesson Machiavelli would not forget.

A few weeks after Savonarola's execution, on June 15, 1498, the twenty-nine-year-old Machiavelli was appointed Secretary of the Second Chancery of the Florentine Republic. Soon afterward he was placed at the disposal of the Ten of Liberty and Peace, a committee of elected magistrates charged particularly with the conduct of foreign policy. Machiavelli held this office for fourteen years, during which he busied himself, as a dutiful bureaucrat, keeping records, drafting treaties, and sending instructions to Florentine diplomats abroad. It was a mediocre position, poorly remunerated, somewhat dull, with little room for personal initiative and little promise of advancement. Machiavelli was one of the many this-worldly philosophers who know the secret of success and tell it to others yet never succeed themselves.

But the Florentine government, not blind to Machiavelli's capabilities, did on occasion entrust him with a more glamorous responsibility. From time to time, Machiavelli was sent abroad with Florentine legations as observer and consultant. These diplomatic missions—forty-six in all—allowed him to study men and institutions. From the background he intently watched the game of politics as it was played in that exuberant and tumultuous age. In

1500 we find him in France, at the court of Louis XII; in 1502 he visits Caesar Borgia, the Duke of Valentino, "a very splendid and magnificent lord," fresh from his conquest of Romagna; in 1503 he witnesses the election of Julius II, the archenemy of the Borgia; in 1504 he is back in France; in 1506 when Julius II is planning the conquest of Bologna he returns to Rome; and in 1507 he is sent to the court of Emperor Maximilian. The military spirit and organization of the German people fascinated him. "Their soldiers," he wrote, "do not cost them anything, for all their people are armed and trained." He proposed a similar organization of the Florentines to rid his city of the unreliable mercenaries. Machiavelli had his way, but the people's army proved no better in its attempt to save the Republic.

In 1512 the Medici re-entered Florence and regained control. The fall of the Republic brought with it the fall of its secretary. Machiavelli was first deprived of his post and then exiled from Florence by separate decrees of the new regime. And, as if this were not enough, the following year (1513) he was accused of participation in a conspiracy against Cardinal Giovanni de' Medici. "I almost lost my life," he writes, "but God and my innocence saved me. I have experienced all evils, including imprisonment." He was released from jail when the Cardinal became Pope Leo X.

Machiavelli then retired to a farm near San Casciano with his wife and children. Making the most of his painful isolation, he devoted himself to the study of the classics. As he confesses in a page often quoted, he sought in the company of the great of old the peace he had never found among the living. In this country retreat Machiavelli wrote his famous works, among them *The Prince* (the manuscript of which he dedicated in 1514 to Lorenzo de' Medici, nephew of Leo X) and *The Discourses on the First Decade of Titus Livy*.

After the death of Lorenzo de' Medici, Leo X helped Machiavelli return to Florence, where he was given a modest position in the government. In May of 1527 the Medici were again overthrown and the Republic restored. Machiavelli's old office was also restored but, to his bitter disappointment, another man was called to head it. Shortly afterward Machiavelli fell violently ill and on June 22 of the same year, having received the sacraments of the Church, he died, at the age of 58, leaving his wife and five children.

For more than two centuries Machiavelli's remains lay un-honored. Then, in 1787, a tomb was erected in his memory in Santa Croce of Florence near monuments to Dante, Galileo, Michelangelo, Rossini, and other illustrious Italians. It bears the inscription: *Tanto nomini nullum par elogium—Nicolaus Machiavelli* (There is no praise that can do justice to so great a name).

#### POLITICAL WRITINGS

Machiavelli was a prolific writer. His numerous works, written in excellent style, reveal his varied talents and exceptional culture, as well as a keen understanding of men's motives and habits. They may be classed as historical, purely literary, and political. In the last category are *The Discourses on the First Decade of Titus Livy*, *The Art of War*, and *The Prince*.

*The Discourses* consist of three books in which the author, who saw his political ideal realized in the life and institutions of ancient Rome, comments on Livy's history. In *The Art of War*, Machiavelli praises the military structure of the Romans, voices his contempt for mercenaries, and seeks to present a scientific theory of the military strategy and tactics of his time. But it is chiefly in *The Prince* that the political doctrine for which Machiavelli is universally known is contained. This treatise of less than a hundred pages discusses, in twenty-six short chapters, what a principality is, the varieties of principalities, how they are acquired, how held, how lost.

#### WHY THE PRINCE

Why did Machiavelli write *The Prince*? The immediate motive was a personal one. It was a plea directed to the Medici to be allowed to return to Florence and to public life in any kind of governmental office. This bid is apparent in the dedication, particularly in the closing lines, when he alludes, not without resentment, to his forced inactivity at San Casciano. A second motive—the patriotic—was Machiavelli's love for Italy: his great passion to see her free of barbarians, united under a capable leader, mistress of her fate. The concluding chapter is a fiery exhortation to Lorenzo de' Medici, Duke of Urbino, to become the new prince of an Italy



more enslaved than the Hebrews, more oppressed than the Persians, more scattered than the Athenians; without a head, without order, beaten, despoiled, lacerated, and overrun . . . ; ready and willing to follow any standard if only there be some one to raise it.<sup>1</sup>

Then there was a third motive, not less important, and probably the subtlest. Machiavelli's psychological motive was to redeem the memory of Caesar Borgia and vindicate his own political philosophy. Two prophets, one unarmed, the other armed, had made an indelible impression on Machiavelli. Savonarola had been guilty of the unpardonable sin, for in politics there is no order unless it is backed and, if necessary, enforced by arms. When Machiavelli, the man of ideas, met Caesar Borgia, the man of action, he immediately recognized the messiah of his expectations, the prince beyond good and evil. All that he had looked for in a new leader, Machiavelli saw in the son of Alexander VI. Now his political doctrine could be put to the acid test of reality, and he was nothing but sanguine about the outcome. Yet Caesar Borgia, the man who should have succeeded, failed. He failed "through no fault of his own but only by the most extraordinary malignity of fortune."<sup>2</sup>

What an epitaph for the man of his dreams! Machiavelli had seen him at the height of his career of intrigue, war, and terror, splendid as a dark angel in his criminal impunity, and then he had seen him again, a last time, broken by illness and misfortune, a prisoner of the most redoubtable enemy of his family. The absolutely unpredictable, the impossible, had happened. Machiavelli, a "realist" if there has ever been one in history, should have learned at this point that failure is not the monopoly of unarmed prophets; the armed fail as well. But this was one lesson Machiavelli could not learn. If he had a moment of doubt and consternation, he soon came back stronger than ever in his old belief. Yes, Borgia had been defeated, but his spirit and the policies he incarnated were still alive. In politics there is only one way: Borgia's way, Machiavelli's way. Even the Medici, or any other leader who would unify Italy, must follow it. Like the gambler who has found the infallible system, applies it carefully under the most favorable conditions and loses but is not convinced—some-

<sup>1</sup> *The Prince*, XXVI, 1, 2. Selections from *The Prince* and *The Discourses* are taken from the translation of Luigi Ricci as revised by E. R. P. Vincent and published by The Modern Library (New York: 1940).

<sup>2</sup> *Ibid.*, VII, 3.



thing, he tells himself, went wrong today, but tomorrow it will be a sure thing—Machiavelli clung obstinately to his political scheme. In the solitude of San Casciano he returned to his first love and wrote the book that was a vindication of his own theory and of Borgia's ill-fated venture. That is why it has been said, so rightly, that *The Prince* is a melancholy book, a book born of defeat.<sup>3</sup>

It was not the first time that a great book had its genesis in a social or personal catastrophe. The *City of God* had been an immediate result of the fall of Rome. St. Augustine realized the impact this outrage would have on the civilized world but he did not despair. There is another Rome, he reassured the fearful and bewildered, that can be built and that will never be destroyed. We still believe in Rome, the eternal Rome of Christ, built in the soul of every man, in the soul of every nation. So Machiavelli (although on a quite different plane), after witnessing the shameful fall of his idol, the man who had given Italy a gleam of hope, set himself to show that another Borgia would succeed where the first failed.

#### MACHIAVELLI'S WAY

Machiavelli's way is best understood by contrasting it with the Christian way. For Machiavelli is at the very antipode of Christian philosophy and theology. To the gospel of Christ, he prefers the precepts of Epicurus; to the Fathers of the Church, the Greek and Roman classics. Machiavelli is anthropocentric, not theocentric. Worse than pagan, he ignores morality as an absolute, objective, universal value; he disregards man's transcendent ends and immortal destiny; he refuses to see the light of Revelation. With glaring cynicism he proclaims the inequality of men: there are the few genial, wise, ruthless, magnificent individuals who know the reality of things, and there is the "vulgo," the amorphous, gullible mass that sees only appearances. Machiavelli's Prince must stop at nothing. Treachery, fraud, murder—all are licit so long as they help secure or maintain or extend power. He even finds beauty and grandeur in certain crimes skillfully masterminded and elegantly executed. Briefly, Machiavelli replaces the norm of justice with the norm of utility (the utility of the state), sin with failure, moral

<sup>3</sup> R. Roeder, *The Man of the Renaissance* (New York: The Viking Press, 1933), p. 296.

greatness with political success. The lineal vision of history, which makes man's life a march to God and eternal order and happiness, gives way to the cyclic vision, whereby man's life is a constant return to the point of departure, a continual movement around himself and consequently toward disorder. The concept of Providence, based on God's supreme, infallible, merciful wisdom, degenerates into the principle of *fortuna*, an arbitrary principle, an irrational, tragic element, even more voluble than man himself. God's grace and man's free, conscious cooperation with it are succeeded by *virtù*, which, in the specific Machiavellian sense is nothing more than man's ability to discover, to guess, to foresee fortune's movement in order to avail himself of it or offset it.<sup>4</sup>

It has been said that Machiavelli secularized politics by divorcing it from religion and morality. This is to put it mildly. He secularized the entire life of man, for "morality" is indivisible. The standard is one; and the failure to center any one segment of life in God is fatal to the whole moral system, bringing its collapse in all other segments as well.

It has also been said that Machiavelli justifies the abandon-

<sup>4</sup> The term *fortuna* is used by Machiavelli in various senses. Usually it means either the combination and play of historical circumstances within which one must act, or some sort of strange, variable, and blind fatality governing man and history. Not infrequently it means both. Thus it may happen that the same fortune that offers certain men the opportunity to perform great deeds suddenly turns against them and works their ruin. Fortune is most surely mastered by bold and daring action. *Audaces fortuna juvat*. "Fortune is a woman, and it is necessary, if you wish to master her, to conquer her by force. . . . And therefore, like a woman, she is always a friend to the young, because they are less cautious, fiercer, and master her with greater audacity." (*The Prince*, XXV, 9.)

Machiavelli's *virtù* is the personal ability (strength, talent, prudence, audacity, efficiency) that enables man to dominate fortune to some extent at least. It has nothing in common with the classic or Stoic or Christian concept of virtue. It is a vital spirit, a universal and dynamic quality. The same at all ages and in all places, it invariably makes men act in a magnificent manner and for outstanding goals. Liberating their deeds from the "narrowness" of Christian morality, it always gives them a new dimension—the dimension of greatness—which makes even a crime a spectacular and glorious act. Irrational *fortuna* and rational *virtù* share in the government of world events. "I think it may be true that fortune is the ruler of half our actions, but that she allows the other half or thereabouts to be governed by us." (*The Prince*, XXV, 1.) When all has been said, however, it is fortune that carries the day. See G. Prezzolini, *Machiavelli anticristo*, (Roma: Casini Editore, 1954), pp. 25-30, 67-72.

ment of moral criteria in the political field only. He does not counsel evil, some argue, in the pursuit of private interests. The establishment and maintenance of the commonwealth are for him the supreme law; and it is in working for these goals that moral considerations are to be left aside. Even were it possible to draw so fine a distinction between public and private morality, Machiavelli's doctrine would still contradict God's natural and positive law. Evil is evil though performed for the best of purposes. To grant the state moral sovereignty or independence from a superior law would mean to do away, in principle at least, with man's fundamental rights. In practice, this would be extremely dangerous. After all, he who bears the person of the nation, he who will decide when to defy moral principles for the common good, is none but an imperfect being, tempted more than others perhaps by furious passions that may adversely affect his judgment. One instinctively recoils from the idea of granting such absolute immunity and impunity to any individual, and particularly to one with whom rests the life, liberty, and happiness of his fellow men.

It is true that Machiavelli is the son of his century, that many of his ideas were shared by corrupt and unprincipled Italian rulers of the Renaissance. True, too, he lived in a time characterized by instability, disorder, and strife. To be understood, *The Prince* must be seen against that unfortunate and ever-changing background. The book was an extreme remedy for an extreme evil. The game was crooked, the stake too high, and the players had to be advised accordingly. But this, at best, explains the dramatic plight of a statesman. It does not justify his advocating insidious and perfidious means to meet the challenge. And the fact remains that Machiavelli accepted them wholeheartedly, considered them the only valid ones, proclaimed them openly, expressed them systematically, taught them with a cold and intense passion worthy of a better cause.

Machiavelli had his own theory of knowledge. He saw it as a grasping of the true nature of things; and because their very nature is perennial movement, to know the nature of things is to know their movement. For Plato, to know is to rediscover, to remember. ✓  
For Machiavelli, to know is to see and to foresee. *The Prince* is, therefore, at least in part, a manual of techniques wherewith to master both present and future reality. This is the first aspect of Machiavelli's wisdom. The second is the ability to use truth well.

*As he Plato*

Machiavelli's wisdom is not only positive and technical: it is also pragmatic.<sup>5</sup> To know the truth of things is of little consequence if this knowledge is not efficiently applied. Success, then, is the touchstone of wisdom.

#### MACHIAVELLI'S TECHNIQUES

Machiavelli's techniques are found in chapters fifteen to twenty of *The Prince*. His Prince must beware of two ever-threatening crises: one proceeds from the internal life of the state and the behavior of his subjects, the other from the exterior and is tied to the designs of the surrounding or contiguous powers. This is the stark reality that conditions the Prince's attitudes and actions. To disregard this reality is to court disaster—and with this no one disagrees. But Machiavelli significantly adds that the Prince, to check these dangers, may resort to whatever means circumstances dictate. In a characteristically pessimistic view of human nature, Machiavelli holds that frequently men are less than men, acting, as they often do, like beasts. The new Prince should therefore exploit man's dual nature and, divesting himself of humane qualities, deal with the wicked as they would deal with him. The situation leaves him no alternative but to walk the road of moral relativity.

It would be highly praiseworthy in a prince to possess all the . . . qualities that are reputed good, but as they cannot all be possessed or observed, human conditions not permitting of it, it is necessary that he should be prudent enough to avoid the scandal of those vices which would lose him the state, and guard himself if possible against those which will not lose it him, but if not able to, he can indulge them with less scruple. And yet he must not mind incurring the scandal of those vices, without which it would be difficult to save the state, for if one considers well, it will be found that some things which seem virtues would, if followed, lead to one's ruin, and some others which appear vices result in one's greater security and well-being.<sup>6</sup>

The Machiavellian principle is stated. Its consequences inevitably follow.

(1) Must the Prince seek to be considered generous or mi-

<sup>5</sup> J. Conde, "La Sagesse Machiavélique," in *Umanesimo e scienza politica* (Milano: Marzorati, 1951), p. 87.

<sup>6</sup> *The Prince*, XV, 2.



serly? As parsimony is one of the vices that safeguard the Prince's power, a reputation for niggardliness is to be preferred to a reputation for liberality. Liberality wins the Prince few friends, renders him odious to the majority, and in the long run makes him actually poor and despised.

(2) ~~Must the Prince seek to be feared or loved?~~ The ideal would be to command both fear and love. But this is difficult, for men are

ungrateful, voluble, dissemblers, anxious to avoid danger, and covetous of gain; as long as you benefit them, they are entirely yours; they offer you their blood, their goods, their life, and their children . . . when the necessity is remote; but when it approaches, they revolt.<sup>7</sup>

For Machiavelli, love is generally a fair-weather commodity. It has too uncertain and shifting a base. Woe to those who trust its promises! Moreover "men have less scruple in offending one who makes himself loved than one who makes himself feared."<sup>8</sup> Finally, love being dependent on the subjects' will ("men love at their free will"<sup>9</sup>) while fear can be bred in them at the Prince's will, the latter shall rely on what lies in his power, not in the power of others.

Machiavelli carefully distinguishes fear from hatred. The Prince must be feared but not hated. Insofar as possible the Prince must avoid whatever would excite the hatred of his subjects. Men resent nothing more than the loss of their patrimony; and of the honors that are taken from them, "that of their wives is what they feel most."<sup>10</sup> But the warring Prince need not fear being reputed cruel and pitiless. Hannibal's inhumanity "made him always venerated and terrible in the sight of his soldiers."<sup>11</sup>

(3) ~~Must the Prince always keep his word?~~ Machiavelli's famous answer is the quintessence of his philosophy. Nothing in a Prince, he says, is more laudable than "to keep good faith and live with integrity, and not with astuteness."<sup>12</sup> But experience teaches that one thereby exposes himself to rude awakenings while history testifies that success has crowned the efforts of those "who have

<sup>7</sup> *Ibid.*, XVII, 2.

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*, 5.

<sup>10</sup> *The Discourses*, Book III, chap. 6.

<sup>11</sup> *The Prince*, XVII, 4.

<sup>12</sup> *Ibid.*, XVIII, 1.



had little regard for good faith, and have been able by astuteness to confuse men's brains." <sup>13</sup>

### FOX AND LION

There are two methods, Machiavelli continues, for reaching and keeping power: one, proper to men, is founded on law; the other, proper to beasts, on force. "As the first method is often insufficient, one must have recourse to the second. It is therefore necessary for a prince to know well how to use both the beast and the man." <sup>14</sup>

To know well how to use both the beast and the man—what succinct phrasing of tremendous implications! Here Machiavelli touches the very heart of the matter. He makes the choice between moral duty and public interest unmistakably clear: "a prudent ruler ought not to keep faith when by so doing it would be against his interest." <sup>15</sup> His ground for justification is always the intrinsic wickedness of men: "they are bad and would not observe their faith with you, so you are not bound to keep faith with them." <sup>16</sup>

Machiavelli counsels the use and imitation of the beast. But which of the beasts and which of the beastly ways? The way of the fox and the way of the lion would serve the Prince best. With the shrewdness of the one he must recognize and escape snares and stratagems; with the strength and bravery of the other he must terrorize, defeat, and destroy who would dare resort to violence or challenge his will. As regards promises and agreements, therefore, the Prince must be a fox, that is, ready, whenever the state's interest requires it, to forget or renege his word. But the way of the fox must be practiced slyly with a cunning that camouflages it beyond detection. "It is necessary to be able to disguise this character well, and to be a great feigner and dissembler." <sup>17</sup>

Understandably, then, another of Machiavelli's heroes was Alexander VI—a man who read wisdom in the old saying "*vulgus vult decipi*" and

did nothing else but deceive men, and found the occasion for it; no man was ever more able to give assurances, or affirmed things with

<sup>13</sup> *Ibid.*

<sup>15</sup> *Ibid.*, 3.

<sup>17</sup> *Ibid.*

<sup>14</sup> *Ibid.*, 2.

<sup>16</sup> *Ibid.*

stronger oaths, and no man observed them less; however, he always succeeded in his deceptions, as he well knew this aspect of things.<sup>18</sup>

Chapter XVIII of *The Prince* ends with a concise summary of Machiavelli's view:

It is not, therefore, necessary for a prince to have all the above-named qualities, but it is very necessary to seem to have them. I would even be bold to say that to possess them and always to observe them is dangerous, but to appear to possess them is useful. Thus it is well to seem merciful, faithful, humane, sincere, religious, and also to be so; but you must have the mind so disposed that when it is needful to be otherwise you may be able to change to the opposite qualities. And it must be understood that a prince, and especially a new prince, cannot observe all those things which are considered good in men, being often obliged, in order to maintain the state, to act against faith, against charity, against humanity, and against religion. And, therefore, he must have a mind disposed to adapt itself according to the wind, and as the variations of fortune dictate, and, as I said before, not deviate from what is good, if possible, but be able to do evil if constrained.<sup>19</sup>

#### THE PRINCE AND THE DISCOURSES

Is there a contradiction between *The Prince* and *The Discourses*? It seems not. In the former, Machiavelli tells "how to establish the state"; in the latter, "which is the best form of the state." Machiavelli starts with a fragile principality good enough to bring some order out of chaos and to provide for the ruler's personal stability; then he goes on to build a durable republic (or free government) under the indispensable aegis of a providential founder. Machiavelli's political trajectory could well be inscribed: from dictatorship to republic. The constitution of *The Discourses* would suit a popular regime administered by a vigorous central power helped in turn by a strong hierarchical organization. The result would be a democratic institution of the type commonly labeled "authoritarian republic": a republic that follows the example of Sparta and Rome. But in the end, Machiavelli's fundamental principle (upon which are predicated both the principality and the republic) crudely flashes across his political board: the state, whatever its form (the exceptional or the normal and ideal), is completely free of every norm of morality. Or, rather, the state is the

<sup>18</sup> *Ibid.*, 4.

<sup>19</sup> *Ibid.*

very foundation of morality: it decides what is to be done or not to be done sheerly on the limited and relative criterion of its selfish utility.<sup>20</sup>

#### AN APPRAISAL

Machiavelli is representative of the extreme position of the Renaissance. He marks a sharp break in the Christian continuity of history, and in the development of political thought he is the father of the modern theory of the absolute state—a state completely disanchored from every idea of objective morality, a sovereign state released from the restraint of a higher law.

The moral and religious deficiencies of Machiavelli's system have been noted. But even from the purely political standpoint, Machiavelli is far from deserving the praises certain authors heap on his alleged political realism.

His is a simplistic concept of politics. Politics considered and evaluated in a vacuum, pursued sheerly for its own sake, directed exclusively to attaining power, is hardly realistic and successful. It does not work. It spells ultimate failure. History abounds with examples of men and nations who followed Machiavelli's way to their doom. The heroes of the Gordian knot, the statesmen of the shortcuts, the politicians of the means and the stratagems are not so smart as they appear to their votaries and victims.

Several recurring themes in Machiavelli illustrate his political abstraction. He exaggerated the problem of mercenary troops. To them preponderantly if not exclusively he attributed Italy's ruin. But her decadence had other and graver causes. Machiavelli himself, having persuaded the Florentine government to dismiss the mercenaries and establish an army of citizens, witnessed the latter's poor showing when they were unable to save the Republic in 1512. Machiavelli's preoccupation with war as the paramount and most reliable instrument of state policy borders on obsession: "A prince should . . . have no other aim or thought, nor take up any

<sup>20</sup> See *The Discourses*, Book III, chaps. 3, 41, 42, for passages in which Machiavelli refers to the rules of political morality already established in *The Prince*. On this point and on Machiavelli in general, see the masterful chapter "Machiavel: Fortune et dictature" in Pierre Mesnard, *L'Essor de la philosophie politique au XVI<sup>e</sup> siècle* (Paris: Librairie Philosophique J. Vrin, 1952), pp. 2-85.

other thing for his study, but war and its organization and discipline, for that is the only art that is necessary to one who commands."<sup>21</sup> He also felt that the road to success lay in imitating the ancient Romans. But where was the "realism" in presenting sixteenth-century Italian republics a pattern of government that had flourished so many centuries before in so different a cultural and political climate? Finally, Machiavelli's doctrine does not take into account realities of an international order. His state is not conscious of other states except to bring them war and destruction. This extreme individualism denies any idea of international relations and makes of the world a jungle wherein wild beasts, foxes and lions, lurk stealthily for the prey.

Indeed, for all his lucidity in probing some of men's motives and despite his passion for a unified Italy, Machiavelli cannot be extolled as a great political philosopher except in a qualified sense. He is unsurpassed and perhaps unsurpassable in his cynical presentation and wholehearted praise of a political doctrine that more than any other has advanced the rise of despots and the social deterioration of mankind. To Machiavelli goes the dubious credit of having sharpened the weapon of political immoralism, with which peoples have been and continue to be tortured by unscrupulous men.

Perhaps Machiavelli has, after all, rendered mankind a service. His terrible and "logical" *Prince* is a reminder that once the state is granted an absolute value, once politics is divorced from God's law, there is no dam that can arrest the waters of brutality and despotism. One cannot believe in man's inalienable rights and absolve Machiavelli. One cannot condemn Machiavelli's political doctrine and at the same time accept its fundamental principle.<sup>22</sup>

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<sup>21</sup> *The Prince*, XIV, 1.

<sup>22</sup> See J. K. Ryan, "Machiavelli: The Prince," in *The Great Books* (New York: Devin-Adair, 1949), Vol. I, pp. 50-59.

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## CHAPTER XIV • *Bodin*

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### LIFE

**J**EAN BODIN was born at Angers, France, in 1530, of middle-class parents. His formative years were spent at Toulouse, where he studied law and for a brief period taught jurisprudence. Afterward he moved to Paris for a career at the bar but soon turned to scholarly writing and practical politics. In 1566 he published his *Method for the Easy Understanding of History*. In it, he rejected the classic idea of a golden age as well as the Christian doctrine of the Fall and advocated the optimistic view of man's steady progress. He also stressed the need to break with old political theories and patterns to keep pace with a continuously advancing civilization.

In the meantime Bodin had become favorably known at the court. Henry III and particularly his brother, the Duke d'Alençon, held him in high regard and relied on his counsels. It was these connections that won him several official positions. In 1576 he was appointed attorney for the crown at Laon. In 1581, as secretary to the duke, he accompanied him on a journey to England. In 1584 he returned to Laon, where he married and continued in the capacity of king's attorney. Delegated to represent the third estate of Vermandois at the Provincial States-General of Blois, he consis-

tently favored a policy of moderation and pacification between the Catholic and the Protestant party. He died in Laon, a victim of the plague, in 1596.

Throughout Bodin's lifetime, France was torn by civil wars caused by the mutual hatred of Catholics and Huguenots and marked by a tragic sequence of conspiracies, assassinations, betrayals, and massacres. The religious conflicts were compounded by the political rivalries of two families, the Guise and the Bourbon. Each of these—the Guise leading the Catholics, and the Bourbon the Huguenots—was aiming for uncontested power and eventual succession to the crown. At the time, the throne of France was occupied by the last kings of the Valois dynasty who had reigned long years under the influence of the Queen Mother, Caterina de' Medici, a true Machiavellian, devoid of religious convictions, unscrupulous in her choice of means, concerned only with keeping her authority intact. Never following a straight policy, cunningly oscillating between the two factions, she favored at times one, at times the other, now procrastinating, now inexorably repressing, always conspiring.<sup>1</sup> In their bid for victory, both Huguenots and Catholics resorted to violence. Historians number eight civil wars from 1562 to 1594, the year that the Bourbon Henry IV (author of the Edict of Nantes in 1598) became king and applied himself to restoring peace.

### THE POLITIQUES

While the savage struggle between Catholics and Huguenots raged, Bodin, nominally a Catholic, shunned the fanaticism of both and joined a third party.<sup>2</sup> Having accepted the *fait accompli* of the break in Christian unity, the *Politiques* (as the members of the new force were sarcastically termed) preached religious tolerance, insisted on the supreme authority of the king, and opposed his in-

<sup>1</sup> The Saint Bartholomew Massacre, in which several thousand Huguenots were killed, was planned by Caterina de' Medici during the reign of her son Charles IX (1560-1574), then twenty-two years old. It began on August 24, 1572, and lasted seven days. Caterina had told her weak son of a plot according to which the Huguenot conspirators, at the order of Admiral Coligny, would rise throughout France, assassinate the royal family, and destroy the Catholic nobility.

<sup>2</sup> In 1589 Bodin joined the Catholic League but he was soon expelled.

vovement in religious conflicts. For them the king was an arbiter, not a partisan. He was and had to be kept above the debate. Their defense of royal power became even more spirited upon the publication of *Franco-Gallia*, a pamphlet on the origins of the French monarchy, issued at Geneva in 1573 by the monarchomac Francis Hotman.<sup>3</sup> Arguing from the fact that originally French kings owed their crown to election and were bound by certain conditions in the exercise of their power, Hotman concluded that the people had the right to depose their rulers whenever the latter departed from the restricting clauses.

Bodin, an enthusiastic advocate of the toleration policy of the *Politiques*, became their political philosopher and gave their ideas a systematic base and scholarly support in his famous *Les Six livres de la république*.<sup>4</sup>

### THE RÉPUBLIQUE

The *République* is a monumental work written in French (1576) and later extensively revised and published in Latin (*De republica libri sex*, 1586). Even a cursory glance at its forty-two chapters shows an encyclopedic range of juridical and political topics. Bodin's masterpiece won immediate recognition. It was translated into several languages and by 1580 was already in its fifth edition. Unfortunately the work is heavy, difficult, and uninviting. It has nothing of the nervous, striking incisiveness of Machiavelli's *Prince*. Today very few have the courage to read it in its entirety.

Among Bodin's chief contributions to political thought are his theory on the origin of the state and, more important, his doctrine of sovereignty.

<sup>3</sup> Another monarchomac or "monarch-fighter" was the author of *Vindiciae contra tyrannos* (1579), a French Protestant, probably Hubert Languet or Philippe Duplessis-Mornay, who concealed his identity under the pseudonym of Stephanus Junius Brutus. With arguments drawn from the Bible, particularly the Old Testament, he defended the right of the people (or rather the people's natural representatives—the barons, doctors, and heads of municipalities) to depose the ruler when the latter failed to keep his pact with God or with his subjects.

<sup>4</sup> It must be noted that the term "*république*" is used by Bodin in the Latin sense of commonwealth or state.

## ORIGIN OF THE STATE

The state—"a multitude of families and their common affairs, ruled by a supreme power and by reason"<sup>5</sup>—is the result of force. "Reason itself shows us that governments and states owed their first establishment to force; and this lesson we learn also from history."<sup>6</sup> Bodin does not deny the gregarious instinct in man, but he holds it directly responsible only for the organization of the family and the household. Man's passage from a free and independent status in the household as *pater-familias* to a free but restrained status in the state as citizen<sup>7</sup> is a consequence of the subjugation of the weaker by the stronger. "Force and the lust for power, as well as cupidity and the passion for revenge, pitched one against the other; then, as a result of war, the defeated was obliged to serve the stronger."<sup>8</sup>

## SOVEREIGNTY

Bodin's doctrine of sovereignty can be quite simply summarized. Sovereignty, "the supreme power, unrestrained by laws, over citizens and subjects,"<sup>9</sup> has two essential characteristics: perpetuity and absoluteness. This does not mean that the sovereign is literally free from all restraint. There are certain laws that limit him in the exercise of power. Theoretically, sovereignty can be invested in a democracy, an aristocracy, or a monarchy. In practice, for several compelling reasons, monarchy is the form to be preferred—a royal monarchy in *itself* absolute and indivisible, yet not arbitrary, and in its *exercise* balanced by a political system wherein the best in the various classes share in the government.

Bodin's definition is very clear, much clearer than some parts of its explanation. Sovereignty is the undivided, supreme, perpetual, unrestrained power of the state. Within the state territory there is a single source of authority: none, person or association,

<sup>5</sup> *De republica*, I, 1. Quotations from Bodin were translated by the present writer from the Latin version of his work (*De republica libri sex*, 1586).

<sup>6</sup> *Ibid.*, 6.

<sup>7</sup> "A citizen is nothing but a free man bound to the authority of a supreme power." (*Ibid.*)

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*, 8.



can escape its ultimate control; no external force may restrict its all-embracing range or otherwise interfere with its exercise.

Both the theoretical and the practical implications of this terse definition must not be underestimated. With one masterful stroke Bodin rules out whatever could threaten the monolithic structure of the state. Thus, within the state he dealt the waning but still powerfully encroaching vestiges of feudalism a deadly blow. The true concept of sovereignty cannot recognize the validity of special privileges for the noble or admit the legitimacy of special rights for the city, the guild, the corporation. The *bon plaisir* of the sovereign may grant privileges to this or that portion of the community but they are privileges by no means inalienable. The sovereign who dispenses such exemptions and immunities may revoke them at will. As to the forces threatening the state from without—the pope and the emperor—Bodin is equally uncompromising. Neither can curtail the power of the sovereign “who is accountable only to God.”<sup>10</sup> The independence of the national state is built on and safeguarded by the principle that, brought to its logical conclusion, will produce in Protestant countries a “national church” under direct control of the ruler, and in Catholic countries the excesses of Gallicanism, Febronianism, and Josephinism.<sup>11</sup>

<sup>10</sup> *Ibid.*

<sup>11</sup> Bossuet, the court theologian of royal absolutism, dictated the Four Articles of *Gallicanism* (Declaration of the French Clergy, 1682), which (1) asserted the king's freedom from any direct or indirect spiritual power, (2) limited the pope's power by subordinating it to the general council, (3) further limited the pope's power by subordinating it to the common law of the whole Church, and the customs of the local churches, and (4) made the pope's use of the privilege of infallibility in matters of faith dependent on the assent of the entire Church. For the text of the Declaration, see Ehler-Morrall, *Church and State Through the Centuries*, pp. 207, 208. *Febronianism* (from Febronius, a pseudonym of von Hontheim, Auxiliary Bishop of Trier, who in 1763 published a work attacking the pope's primacy and infallibility) repeated the Gallican Four Articles. To them it added a detailed plan for civil rulers' resistance to what it called the papal abuses and encroachments. Through the *regium placet*, all papal documents would not be released until passed by the prince's censorship. Through the *exequatur*, every papal order, prior to its execution, would have to be approved by the prince. Through the *recursus ab abusu*, appeals from the decisions of any ecclesiastical superior could be taken to secular courts. The Febronian program was literally translated into fact by Joseph II (1765-1790), Emperor of Austria. Hence the term *Josephinism* to signify



True sovereignty is perpetual and absolute. First, it is unlimited in time, for the state cannot exist without it. Thus, in a democracy, sovereignty is perpetual because it always resides in the people. In an aristocracy the power resides permanently in the privileged class of the nobles. In a monarchy, sovereignty is perpetual only when monarchy is hereditary or at least (and here Bodin considerably narrows his idea of perpetuity) when the king has unqualified power for life. Tyranny is not sovereign, for it is always temporary. As to those who hold authority for a defined time or until revocation, they are not truly sovereigns but merely delegates exercising sovereign functions, "custodians and keepers of sovereignty,"<sup>12</sup> trustees for a given period. Bodin distinguishes between government in the state and state sovereignty. The latter becomes identified with the ruler only when he is not bound by limitations of either time or law.

Power unrestrained by laws—such is absolute sovereignty. In explaining this second, more important characteristic, Bodin stoutly maintains that "a prince is not bound by the laws of his predecessors [and] even less . . . by the laws he himself has made."<sup>13</sup> The sovereign cannot tie his own hands without ceasing to be sovereign. He binds his subjects, but he cannot bind himself. Moreover, a sovereign is absolute when lawmaking belongs exclusively to him. To allow legislators besides himself, within or without the territory of the state, would obviously destroy the very concept of sovereignty. Therefore the making and breaking of laws within the realm is the first and paramount prerogative of sovereignty. The essence of its absoluteness is this very faculty. All the other functions of the sovereign—whether declaring war or making peace, receiving appeals, conferring authority on magistrates, bestowing immunities, exercising the power of life and death, fixing the value, name, and form of money—are included in it.

When Bodin defines sovereignty as the "supreme power un-

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a theory and a policy set to enslave and suffocate the Church. Joseph's extravagant measures and reforms were copied by the rulers of Spain, Sardinia, Naples, and other states. "By 1790, outside the States of the Church and the new United States of America, there was not a single country in the world where the Catholic religion was free to live fully its own life" (Philip Hughes, *A Popular History of the Catholic Church* [New York: Doubleday Image Books, 1954]).

<sup>12</sup> *De republica*, I, 8.

<sup>13</sup> *Ibid.*

restrained by laws," he means unrestrained by human laws only. "Concerning natural and divine laws, all princes and peoples are equally obliged to keep them."<sup>14</sup>

In principle, Bodin is very definite in granting the state and the prince legal sovereignty and in denying them moral sovereignty. His ruler is decidedly absolute but not immoral. The trouble is that nowhere in the *République* are these natural and divine laws sufficiently defined. At one point, murder is mentioned as forbidden by the laws of God and nature; also enjoined by God is the obligation of keeping certain promises, pacts, and contracts, but it is not clear how far these are safe from violation. Of course, they cease to bind by mutual consent; and the sovereign has ways of eliciting the consent of the other party. Moreover, the prince's obligation ends when conditions change and the reason for the promise is no more: and who will challenge the prince's judgment? It is only when Bodin declares the inviolability of private property that his sovereign is confronted with any real, concrete, far-reaching limitation. Except for a just reason the sovereign may not seize or dispose of the property of another. For Bodin the citizen's right to private property stems directly from natural law and is valid against the state and the prince to such a degree that there can be no direct taxation without the subject's previous consent. This is indeed an astonishing claim from one who has laid such stress on the absoluteness of sovereignty. Other moral limitations upon the sovereign are the *leges imperii*—the basic laws of the realm, particularly the Salic Law containing the rules of succession to the French crown.

#### MONARCHY

Theoretically, sovereignty may reside in any of the three traditional forms: democracy, whereby power is vested in the multitude; aristocracy, whereby power is vested in a privileged minority; monarchy, whereby power is held by one alone. In practice, however, monarchy is to be preferred because more in conformity with nature ("all the laws of nature point to monarchy") and with the principle of unity, essential to the concept of sovereignty. Furthermore, monarchy affords a firmer guarantee of order, is better able to meet emergencies, and allows greater freedom in the choice of

<sup>14</sup> *Ibid.*

competent men as advisers and governors. Popular and aristocratic sovereignties, on the contrary, must too often rely on the counsel and help of both the wise and the foolish.

Bodin's monarchy is the royal, legitimate monarchy that owes its origin to royal descent or to lawful war and in which the king obeys the laws of God and nature, and the subjects obey the laws of the king while retaining their natural liberty and property. On these points the author of the *République* and Machiavelli are poles apart. The Florentine has no moral scruples about how power is grasped or kept. Bodin insists on absolute power but with equal emphasis he condemns despotic rule and aggressive states. His ideal monarchy is marked by the employment, in government offices, of men of integrity freely chosen by the king from both nobles and commons in such a way that the former enjoy some advantages over the latter, and the rich receive positions affording more honor than financial benefit, the poor more profit than honor. So far as government is concerned, Bodin wishes his monarch to be assisted by a permanent council—a senate or parliament or the States-General—existing by permission of the sovereign, devoid of power to make or to veto decisions, having the sole role of consultants and advisers.

This is the true, sacred monarchy of Bodin; and its sovereign holds the highest office on earth, so much so that "he who despises his sovereign prince, despises God."

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## CHAPTER XV • *Hobbes*

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### LIFE

THOMAS HOBBS was born at Westport, near Malmesbury in Wiltshire, on April 5, 1588, shortly before the defeat of the Spanish Armada. Reports of the enemy fleet moving toward English shores so frightened his mother that she gave birth to him prematurely. "She brought forth twins: myself and fear," Hobbes used to say to explain his timid disposition. His father, the parish vicar, a strange, unpredictable character, left town and family in consequence of a scandal, and the future philosopher was brought up in Malmesbury by a well-to-do uncle. At the age of fifteen he entered Magdalen Hall at Oxford, already well versed in Latin and Greek literature; but all his love for learning could not bring him to like the University atmosphere and methods. After his graduation in 1608, Hobbes was engaged as private tutor to William Cavendish, later the second Earl of Devonshire, and in 1610 he traveled with him through France, Germany, and Italy. On his return to England he lived with his young lord as companion and secretary for eighteen years. It was during this time that Hobbes set himself to become a scholar, translated Thucydides, and gained admission to the company of the leading men of his time including Bacon. After the Earl's death in 1628, Hobbes toured the continent with a new pupil. In 1631 he re-entered the Cavendish house-



hold as tutor, this time to the son of his former charge. From 1634 to 1637 he traveled through France and Italy with the young Earl of Devonshire. In Paris he met Mersenne and Gassendi; in Florence, Galileo. These contacts turned him more decidedly to the study of the physical sciences and philosophy, and he resolved to write a comprehensive treatise on physical phenomena (*De corpore*), on man (*De homine*), and on political society (*De cive*).

Back in England in 1637, Hobbes witnessed the bitter fight between king and parliament and even entered the debate, writing and privately circulating a pamphlet on *The Elements of Law, Natural and Politique*. He championed the prerogatives of the monarch, proving the point not with the divine right of kings theory but with the doctrine of the social contract, in virtue of which, Hobbes argued, full and irrevocable sovereignty is granted the ruler. He succeeded only in displeasing both parties. In 1640, when the political waters became dangerously hot and agitated, he thought it best to leave England. "The first of all who fled," he went to France and for the next eleven years resided in Paris. There he taught mathematics to Charles, the prince of Wales, the future Charles II; wrote *De Cive* (1642); and prepared his greatest work, *Leviathan*, which he published in 1651, the year of his return from exile. He fled from France because he thought the Catholic clergy were after him for his criticism of the papacy.

During the last twenty-eight years of his life, in England, Hobbes became happily involved in a maze of controversies. He had a special talent for arousing his adversaries and stirring up endless debate. It is no wonder that the amazing number of books he wrote during this period—on geometry (he tried to prove the possibility of squaring the circle), politics, and religion—were mostly polemical. He also translated the *Iliad* and the *Odyssey* and wrote his autobiography in Latin verse. Hobbes died in Harwick, at the home of his former pupil and faithful protector, the third Earl of Devonshire, on December 3, 1679. For one who had lived in constant fear of losing his life and everywhere seen plots and dangers, he had done exceptionally well. He had lived ninety-one years, fighting lustily, not with the sword but with the pen, until his last day. He had never married because he wished to devote himself, he confessed, to philosophy.

Hobbes lived in chaotic times and, to a certain extent, his political works were inspired by the desire to end the stormy quarrels



between the fanatic Puritans and the conservative wing of the English church, between parliament and the crown. The conflict dated back to the first Stuart, James I, who became king of England in 1603. In his bid for victory, Charles I, the second Stuart, had openly defied the House of Commons and tried to assume despotic powers, thus precipitating a civil war in 1642. In the ensuing struggle, the Puritans, the country squires, the jurists, and the radical wing of the intellectuals sided with the opposition. The peers, the prelates of the Anglican church, and the new mercantile class rallied to the king. In 1649 Charles I was beheaded; the commonwealth was established; and Cromwell, the leader of the parliamentary party, started his ten-year dictatorship. In 1660 the monarchy was restored with Charles II as the new king. He was succeeded, in 1685, by his brother James II, who reigned but three years. As a result of the Glorious Revolution (1688) the Stuart king was deposed, a constitutional monarchy established, and William of Orange invited to head it (1689).

#### THE LEVIATHAN

Hobbes' *Leviathan* was published in London in 1651 during Cromwell's rule. The Book of Job furnished the strange title as well as the motto that runs over the title page: *Non est potestas super terram quae comparetur ei* ("There is no power on earth comparable to it"). In its original meaning, the Leviathan is a marine monster, a sort of big whale; according to Hobbes, it is the state, an artificial animal created by man:

One Person, of whose Acts a great Multitude, by mutual Covenants one with another, have made themselves every one the Author, to the end he may have the strength and means of them all, as he shall think expedient, for their Peace and Common Defense.<sup>1</sup>

The *Leviathan*, divided into four parts, describes the nature of this artificial person that is the commonwealth. The first part considers its matter and its artificer, both of which are man; the second, how and by what covenants it is made, the rights and just power of its sovereign, what preserves and dissolves it; the third explains a Christian commonwealth; the fourth, the "kingdom of

<sup>1</sup> *Leviathan* by Thomas Hobbes (New York: Dutton, 1914), chap. 17. All quotations from *Leviathan* are taken from this edition.

darkness." The book contains a dedication and an introduction, forty-seven chapters, a review and a conclusion.

### THE STATE OF NATURE

According to Hobbes, the fundamental law of nature is self-preservation. Every other law derives from this and is valid and binding only insofar as it aids the fulfillment of man's primary right and duty. In reality, self-preservation is the only inviolable law of nature, the only inalienable right of man. "Stay alive" is Hobbes' categorical imperative. Death is the supreme evil.

Reason suggests the best way to preserve oneself: to be at peace with all, living amicably, doing to others what one expects from them. Unfortunately, the nature of man is such that left to himself and to his antisocial, destructive instincts, he is unable to enjoy even a minimum of peace. In the state of nature, man is at the mercy of fear, vanity, lust for power. Relying solely on fraud and force, he is at war with every other man, never safe, never sure, always haunted by anxiety and suspicion, always ready to strike lest someone first strike him. In such beastly conditions, man is a wolf to other men ("*homo homini lupus*") and his life is "solitary, poor, nasty, brutish and short."<sup>2</sup>

### THE SOCIAL CONTRACT

To escape this situation, man establishes the state. Political association comes, then, as the answer to man's quest for deliverance and safety. Since no "natural" man trusts other men, each being skeptical of any mutual pledge backed only by the alleged good will of the parties ("covenants, without the sword, are but words"<sup>3</sup>), each agrees with every other to introduce a third power, strong, sovereign, and impartial, to which the maintenance of peace is committed. This common authority set over all provides the needed check on man's selfish tendencies. Natural man having become social and political, he can now live peaceably with others for he knows that the law will punish those who do not reciprocate.

<sup>2</sup> *Ibid.*, chap. 13.

<sup>3</sup> *Ibid.*, chap. 17.

The commonwealth is, therefore, a product of man's voluntary and calculated choice expressed through a contract "between every one and every one." By this contract, based on mutual fear and not on mutual attraction and love, the absolute right of nature that everyone possesses over everything is transferred to a third person—a single man or an assembly—whose will replaces the individual wills of all for the purpose of protecting all from without and safeguarding, within, peace among all.

This is the generation of that great Leviathan or rather, to speak more reverently, of that mortal god, to which we owe under the immortal God, our peace and defense. For by this authority, given him by every particular man in the commonwealth, he has the use of so much power and strength conferred on him, that by terror thereof, he is enabled to form the wills of them all, to peace at home, and mutual aid against their enemies abroad.<sup>4</sup>

The contract is between each natural man and every other, not between these and the sovereign. The sovereign is the result of the pact, not a party to it. Consequently, while men are bound to the master they have created, he is not bound to them.\* The maintenance of peace is his only duty; in fulfilling it, he is perfectly free to choose whatever means and to issue whatever laws he considers most appropriate.

### THE SOVEREIGN

As to the form of the state, theoretically it does not matter whether the sovereign is one man (monarchy) or an assembly (democracy or aristocracy). In practice, however, for almost the same reasons advanced by Bodin, Hobbes strongly favors monarchy—a monarchy wherein "the disposing of the successor is always left to the judgment and will of the present possessor."<sup>5</sup>

Whether the sovereign is a monarch or an assembly, his rights are equally absolute. They logically stem from the motives and contents of that pact whereof he is the product. For the sake of peace and protection men have ceded him everything (except the inalienable right of self-defense) definitely and irrevocably. The sovereign has, therefore, unlimited power. The subjects are bound

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*, chap. 19.

to all his laws. No revocation of the pact is possible so long as the sovereign is able to maintain peace! No right of revolt is allowed, and tyrannicide is inadmissible, for the sovereign is incapable of wrongdoing and, consequently, can never be deserving of punishment. Hobbes goes so far as to grant him the right to interpret the *laws of nature* and ultimately makes him the arbiter of what is just and what is unjust. For Hobbes, these laws of nature are not immutable principles of action but mere means to the end of self-preservation in society. They are valid only within the frame of the social compact. Should there be any conflict between the conscience of the subject and the laws of the sovereign, these hold sway. Thus the relation between law and morality is reversed: morality rests on law, not vice versa.

Even less restraint on the master's will (if less is possible) have the principles of common law as formulated in the courts and the sacred canons issued by the Church. The power of Hobbes' sovereign does not admit of any limitation. It cannot be shared with any other legislator. It is incommunicable and indivisible. It encompasses man's whole life and range of interests. The sovereign is both absolute ruler and infallible pontiff. It is to be noted that while Hobbes' strongest and sharpest opposition is directed at the Catholic Church (the "kingdom of darkness" or "kingdom of fairy tales") and the papacy ("the ghost of the deceased Roman Empire sitting crowned upon the grave thereof"),<sup>6</sup> he also violently attacks the Protestant doctrine of private judgment. The Church—every church—is under the immediate and absolute control of the sovereign.

Compared with Hobbes', even Bodin's sovereignty appears less embracing, less absolute. Yet Hobbes asserts that in the state man is free, because he has himself willed these conditions:

Fear and liberty are consistent: as when a man throws his goods into the sea for fear the ship should sink, he does it nevertheless very willingly, and may refuse to do it if he will: it is therefore the action, of one that was free. . . . And generally, all actions which men do in commonwealths, for fear of the law, are actions, which the doers had liberty to omit.<sup>7</sup>

<sup>6</sup> *Ibid.*, chap. 47.

<sup>7</sup> *Ibid.*, chap. 21.



## THREE REMARKS

For a correct appraisal of Hobbes' political theory, several remarks are in order. First, admitting for the sake of the argument that peace is realized and maintained under the conditions he describes, it is highly questionable whether life is worth living in the Hobbesian state. The loss of true individual and social freedom, the total surrender of all rights to the sovereign, is too great a price to pay for mere physical safety. Self-preservation is indeed a fundamental law of nature but there are other goods to which man is naturally and supernaturally inclined—higher goods that man cherishes to the point of disregarding life itself in pursuing or defending them. Liberty is one; justice and obedience to God's natural and revealed laws are others. Experience proves the falsity of Hobbes' assumption. There have always been men who did not value security above all else and feel satisfied simply because they had adequate police protection.

Secondly, the very foundation of Hobbes' theory is untenable. Man is by nature social and political, as Aristotle, St. Thomas, and countless other philosophers have clearly proved. He seeks the company of his fellow men; he trusts them, at least to some extent. Everyday life is a series of acts of faith in mutual understanding and confidence. Hobbes' decision to entrust man's security to the sovereign is a refutation of his major premise.

Thirdly, Hobbes, in another of his typically contradictory statements, again demolishes his own theory when he admits instances in which the subjects may resist the sovereign and virtually consider themselves freed of all obligation to him. Then self-preservation, the reason for the original surrender, becomes the justification for the eventual dissolution of the contract. It may happen that the sovereign threatens the life of his subjects, that he decides to send them to die on the battlefield, or, worst of all, that he is unable to protect them. In these cases the citizen is released from obedience to the master to whom he had confided his safety. He moves then in a vicious circle. Anxiety, fear, and suspicion are never entirely cast aside. The very sovereign who is to keep peace and provide protection may at any time become the offender, the disturber, the enemy. What guarantee is there against him?

In other words,



the Leviathan, that state in which the sovereign ensures perfect security against other men to all who obey him, has never existed, and the obligations incident to it do not exist either. Hobbes' theory depends on the assumption that men desire security above all things, that there is nothing for which men would think it worthwhile to risk their lives. He thinks that men would never rebel if they thought they would lose their lives in the process. Society is never in danger from such men. It is the men who will die rather than tolerate what they hold to be an injustice who endanger the state. If men were as careful of their lives as Hobbes makes out, there would be no need of a sovereign power. If they were restless, except when they had perfect security, there would be no possibility of one. On Hobbes' own showing, what security have they against the sovereign? Only the probability that it will not be worth the while to kill them if they do whatever he tells them. No one who has studied history could take that probability for a certainty.<sup>8</sup>

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<sup>8</sup> *Ibid.*, Introduction by A. D. Lindsay, xxi.

PART FIVE: *Modern Times*

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## CHAPTER XVI • *Introductory*

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### THE FIGHT AGAINST ABSOLUTISM

THE significance of the first period in the history of modern political thought was heightened by the victorious fight against absolutism. The men who provided the intellectual, spiritual, and psychological weapons were Locke, Montesquieu, and Rousseau. Then, in America, Jefferson, aided by Adams and Franklin, summarized in a momentous manifesto of human freedom the reasons why the people had the right and the duty to rise against despotism and establish themselves in a government with restricted powers. In France it was Siéyès who fixed the immediate issues at stake and led the final charge.

Locke (1632-1704), to whom the foundation of modern liberalism and constitutionalism is attributed, expressed his political philosophy in *Two Treatises of Civil Government*, a widely read and influential work. Many of his principles were old ones, but some traditional elements were dropped and others, mirroring a new and empiristic mentality, added. The conclusions thus reached, or suggested, partly agreed with and partly were repellent to classical or medieval thought. It was in this vein that Locke and his followers upheld religion and specifically Christianity, regarding it more as "a new promulgation of the moral law" than a system transcend-

ing the limits of human knowledge or "a revelation of the true relation of man to his Maker."<sup>1</sup>

The early liberals reduced Christian faith to a prosaic, thoroughly tamed, acceptable, bourgeois religion: a religion whose only province was morality, a religion further limited so as to be not the font but the convenient safeguard of morality. Through their intellectual alchemy, religion became a completely reasonable means of keeping mankind out of mischief by adding the fear of God's punishment and the expectation of His reward to the restraining or stimulating force of other social considerations. It was a feat of Lilliputian magnitude that dwarfed Christianity, a divine and divinizing religion, to the measurements of natural man. (Logically and inevitably, the late liberals, guided by David Hume, discarded even this shred of theology.) What is more, man was seen as an individual rather than as a social being, and his human reason was proclaimed autonomous to the point of minimizing or denying the invaluable support given it by faith. Everything was reduced to individual experience—and intellectual investigation was to rely on reason unaided by Revelation. The exaltation of reason meant the exaltation of man. Although avoiding the heavy preoccupation with guilt and the total damning of man proper to Lutheranism, orthodox Christianity had always insisted on the reality of sin (original and actual) and its consequences on man and society. The new men shunned the mere mention of sin: evil was not an act of the will but of the intellect; evil was but ignorance and ignorance was to be cured by education. Social and political institutions, rather than men, were to be improved or reformed in order to change the face of the earth. Locke and his disciples tended also to emphasize the rights of man at the expense of his duties; and right was in turn viewed as an end instead of a means to achieve a divinely appointed purpose. (In reality, even the inalienable rights are granted men as means to fulfill an obligation—the obligation to live well, that is, in conformity to the loving and yet exacting plan of God, to whom each and everyone inescapably belongs.)<sup>2</sup>

<sup>1</sup> L. Stephen, *History of English Thought in the Eighteenth Century* (New York: Putnam's Sons, 1927), vol. I, p. 100.

<sup>2</sup> The liberals' crucial test came when they fell for a dogma of popular sovereignty that included both legal and moral sovereignty. How could they reconcile the theory of inalienable rights with the belief that the peo-



Another feature of liberalism as officially introduced by Locke was to be seen in its conception of the state. Ignored were the principles that men organically tend to be united in the human community in a bond so strong as to make their living with others the necessary condition for a rational existence; that the full realization of man's physical, intellectual, and moral needs depends upon this living with his fellow men. Displacing them was a contractual theory that made the origin of the state exclusively a free decision by mutual consent of individual men. The state was said to be man's creation. The state of nature was opposed to the political state. The atomistic concept of society had its beginning in this idea so dear to Locke. And this idea (of man's having chosen to live in the state and even of having given origin to state and government) had as a possible conclusion (a conclusion not envisioned by Locke) that he who had established the state for the better protection of natural rights could, if he so chose, change this direction and use the same contrivance to deny or destroy them.<sup>3</sup>

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ple (or, for that matter, the state or the nation) are not bound by any restrictions except the ones they impose on themselves? How can a right be inalienable if the people possess absolute and undivided sovereignty—a sovereignty that is not limited by any law, human or divine? See, on this and related points, John H. Hallowell's *Main Currents in Modern Political Thought* (New York: Henry Holt & Co., 1950), chap. 4, "The Rise of Liberalism," pp. 84-117.

<sup>3</sup> "So long as conscience retains a valid role in the scheme of things liberalism retains its integral character, but with the disintegration of conscience and the denial of the existence of eternal truth and justice the liberal is driven by his own logic to either of two conclusions: to make the sovereign absolute (tyranny) or to make the individual absolute (anarchy). With the acceptance of a positivistic point of view which denies the existence of objective truth and justice the relationship between individuals and the sovereign can no longer be regarded as a contractual one since no means of interpreting the contract are left. With the rejection of metaphysics the positivist rejects at the same time any possibility of evaluating the acts of the sovereign in terms of justice or injustice for justice is a metaphysical concept. Since for the positivist the only rights of individuals are those secured by the positive law, he cannot evaluate the acts of the sovereign in terms of the observance or violation of individual rights. All basis of obligation as a matter of fact disappears. Compulsion is substituted for obligation and the coercive force behind the law becomes the distinguishing characteristic of legality. Thus, ultimately, the liberal who accepts the positivistic perspective has no choice but to make either

As to constitutionalism, Locke as well as Montesquieu (1689-1755) insisted on the doctrine of limited government or the rule of law and not of men, and roundly condemned absolutism in every form. Montesquieu added his invaluable and detailed doctrine of the separation of powers and called for its incorporation in the state constitution through a practical system of checks and balances. What Montesquieu proposed and erroneously thought had been already realized in England was finally adopted and embodied on a national basis in the constitution of the United States.<sup>4</sup>

In the fight against royal absolutism, Rousseau (1712-1778) joined forces with Locke and Montesquieu. More poet than philosopher, he differed from them in that he represented not liberalism or rationalism but the extremest kind of romanticism (a romanticism that gave the primacy to the instincts, feelings, emotions, and impulses, and contrasted the natural goodness of man with the wickedness of society and its institutions). Furthermore Rousseau, although opposed to royal absolutism and calling for a revolution to get rid of the old tyrannical order, built up a political theory implicit in which was another and perhaps worse absolutism—the absolutism of the majority. Unlike Locke's, his man, once a citizen, retained no natural right. Unlike Montesquieu's, his sovereignty was absolute, indivisible, incapable of alienation and of representation. Thus what had started as a recovery of the worth of the individual ended by surrendering him totally to a mystical "general will" or all-powerful "sovereign" that, conceivably, might have no way to express itself save the will of the majority. There is no guarantee against numerical quantity's becoming the ultimate criterion of what is right or wrong, of what are man's rights and obligations. Against it there is no appeal.

#### THE DEMOCRATIC REVOLUTION

At the very eve of the French Revolution, the grievances and claims of the French people were itemized by E. J. Siéyès in a

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the sovereign or the individual absolute and his own logic forces him, whether explicitly or not, to an espousal either of tyranny or of unbridled subjectivism." *Ibid.*, pp. 114, 115.

<sup>4</sup> The leading principles of the American Constitution were defended and discussed in *The Federalist*, a collection of essays by Hamilton, Madison, and Jay. For American political thought, see Chapter XXVIII in this volume.

pamphlet of 127 pages and six chapters, *Qu'est-ce que le Tiers État?* ("What is the Third Estate?"), published December 27, 1788. A masterpiece of popular political literature and an unexcelled bit of skilful propaganda, it clearly and incisively presented the issues for all to see and grasp and remember. Born in 1748, a priest and hence a member of a privileged order (the clergy), Siéyès was early touched by the plight of the common people, to whom he in reality belonged. The opening lines of the booklet show the tone of the writing and the plan of the writer: "The plan of this work is very simple: We have three questions to ask ourselves: 1st. What is the third estate? Everything. 2nd. What has it been hitherto in the political order? Nothing. 3rd. What does it demand? To become something therein." Siéyès made three requests in the name of the common people: the third estate was to be represented by deputies chosen from and by the people (a truly popular representation); these deputies were to equal in number the representatives of clergy and nobility (a double representation); the voting (in the Estates General, the convocation of which had been promised for May 1789) was to be by heads and not by order (a new method of voting). Siéyès' requests were accompanied by a dark warning for the privileged orders: "If the right principles were followed, the three estates could not vote together, neither by head nor by order." The true principles he listed in the last three chapters, which deal with what the government attempted and others proposed on the matter, what should have been done, and what there remained to do. On the last point, Siéyès asserted there were two ways open to the third estate to gain its legitimate place in the nation: to assemble alone and legislate in the name of the entire nation, or to appeal to the nation and let it, through extraordinary and specially convoked delegates, decide the issue once forever.

There was something prophetic in Siéyès' *Tiers État*. On June 17, 1789 (at his urging: "The time has come—let us cut the rope"), the third estate proclaimed itself the National Assembly and soon afterward the Constituent Assembly. Then the *Déclaration des droits de l'homme et du citoyen* of 1789 and the Constitution of 1791 laid the foundation of French public law with the principles that the whole sovereignty resides essentially in the nation and that the nation has the imprescriptible right to change its constitution. Thus Siéyès' "nation" replaced the king. But in 1793 it

was replaced by the "people" of the Jacobin constitution. By then the revolution had accomplished its task. The new concepts of liberty and democracy had won over the "gothic" mentality and the tyranny of the *ancien régime*. But sovereignty survived intact, political power lost nothing of its strength, "and the monstrous Leviathan could continue to smile its strange smile."<sup>5</sup> On the not too distant hills of history, there was perhaps already visible the swift and furious galloping of the first modern man on horseback, Napoleon, *l'enfant de la Révolution*.

With the French Revolution the fight for democracy against absolutism reached one of its most electrifying climaxes. But, prior to it, other events had already immensely helped the progress of democratic ideas and the establishment of constitutional practices. These challenging and liberating events were the English Revolution (1688) and the American Revolution (1776). The significance and implications of the former were not immediately and fully grasped, for in England the monarchy, though limited, remained, and the landed nobility continued until 1832 to control the parliament. But none could fail to understand the meaning and feel the impact of the American and the French revolution. True, there were great diversities between the two: their underlying philosophies were not exactly the same; the American was not marred by the follies and excesses that marked the French and it was followed by the establishment of a stable political order. But both revolutions made one thing unequivocally clear: the people of two great countries had established a society dedicated to the realization of the principles of equality and opportunity for all. Monarchy and aristocracy were absent in the new America. Monarchy and aristocracy were being eliminated in France.

#### THE CONSERVATIVE REACTION

A reaction to the dramatic acts that had quickened the democratic processes of history was inevitable—especially in regard to the French Revolution. For some it marked the end of a corrupt era characterized by injustice and exploitation, and the beginning of a new epoch of freedom, prosperity, and happiness. Some considered it one of the worst disasters in human history—a political

<sup>5</sup> J.-J. Chevallier, *Les Grandes oeuvres politiques* (Paris: Librairie A. Colin, 1949), p. 184. The entire Chapter IV, on Siéyès, is excellent.



upheaval wrong in its premises, revolting in its methods, catastrophic in its results.

Of all critics of the Revolution and the "revolutionary abstractism" grounded in the Age of Enlightenment, Burke was foremost for both influence and eloquence. It was he who started the "reactionary" crusade and continued it, as if invested with a divine mission, in the name of history, realism, tradition, prescription, practical experience, common sense, order, and hierarchy. Some of his principles were eminently true, some of his reflections eminently wise. Even some of his forecasts were vindicated (he predicted, among other things, that the Revolution would soon end in a military dictatorship). But in general one gets the impression that Burke was afraid of change and that he wanted even the necessary changes to be but a return to the past. Burke was more in sympathy with the American Revolution: he found it legitimate, and justified it because, so he maintained, it brought forth no new idea and because love for freedom is characteristic of the American people inasmuch as the majority are of English origin and Protestant. But he mistrusted the men of the continent, most of whom were Catholics, and did not recognize their right to revolt.

Also representative of the conservative reaction were Joseph de Maistre (1753-1821) and Viscount de Bonald (1754-1840). De Maistre, in particular, a most able and intelligent man, gave expression to his political doctrine in the *Nights of St. Petersburg* and *Considerations on France*. He denies the existence of a state of nature prior to society. Society is not the work of man but of God, who from the very beginning made man social. The constitution of each nation is to be exactly tailored to its needs, customs, religious belief, geographic features, and moral characteristics. A constitution based on preconceived ideas and theoretical principles will not have a long life. According to de Maistre, the French constitution of 1795 was prepared for man in general (in the abstract) and not for France and Frenchmen in particular. It did not embody and respond to the history of that nation; it paid no attention to the mentality and traditions of its people. He also maintained that sovereignty is one, inviolable, absolute—whatever its form. He favored hereditary monarchy. He intensely disliked democracy: he saw in the "people" the harshest, most despotic and intolerant monarch.

More recently the Revolution and its parliamentarism and re-



publicanism found a stout adversary in Charles Maurras (1868-1952), organizer of *Action Française* (1898) and author of *Enquête sur la monarchie* (1900-1909). Doctrinaire and demagogue, he was the last (or was he next to the last?) of a long list of remarkable Frenchmen who each in his own way opposed the atomization or fragmentation of the French nation and tried to undo what they considered the evils of the Revolution. Like de Maistre, de Bonald, Comte, Taine, and even more than these, Maurras was a reactionary of the right, dead set against liberalism, democratic constitutionalism, individualism. In addition he stressed a highly emotional and almost irrational factor already advocated by Maurice Barrès (1862-1923): integral nationalism, a sort of national dictatorship based on traditionalism and regionalism, to unite the entire nation and lead it to greater glory. For Maurras the love of the nation was the overwhelming criterion for decision and action. His motto could literally have been Machiavelli's words: "I love my country more than my soul." Maurras cultivated and encouraged to the *n*th degree hatred of alien influences within France. He wanted French culture to be nourished with the Greek and Roman classic spirit and to recognize institutional Catholicism as part and parcel of its tradition. But he wrote blasphemously against the "Hebrew Christ," the "redeemer of slaves and the dethroner of the strong," and refused to acknowledge Christianity as a supernatural faith.

To make the French nation what he wanted it to be, Maurras strongly advocated a return to monarchy, through force if necessary. His monarchy was to be traditional, hereditary, antiparliamentary, decentralized. The king was to be a representative of the nation but one who both reigns and governs. Indeed, it is hard to find a more extreme and rabid nationalist than Maurras. As such, he exerted a powerful influence on Italian Fascism (which he called "a magnificent explosion of Italy's youth") and on Mussolini who, when Pius XI condemned *Action Française* in 1926, is said to have remarked: "I felt the wind from the bullets that hit Maurras."<sup>6</sup>

<sup>6</sup> Another writer who similarly opposed the French Revolution while at the same time insisting on the cult of the nation was Giuseppe Mazzini (1805-1872). Against the Revolution's emphasis on rights, he emphasized men's duties, and instead of "individuals" he spoke enthusiastically of "collective humanity." It was Mazzini's contention that humanity manifests

## THE LIBERAL REACTION

The democratic and revolutionary creed was fully endorsed by Thomas Paine and Wilhelm von Humboldt. Paine (1737-1809), born in England, came to America in 1774. In 1776 he published *Common Sense*, advocating the separation of the colonies from England and their establishment as a republic. In the same pamphlet he pleaded, on grounds of both justice and utility, for popular government (equated by him with the rule of reason) against hereditary government (equated by him with rule by ignorance). This doctrine of popular sovereignty and limited government was also the main theme of his *Rights of Man*, written after his return to England, in answer to Burke's *Reflections on the Revolution in France*. On Burke's acid comment on French happenings, he remarked: "He pities the plumage but forgets the dying bird." A follower of Rousseau and a convinced revolutionist, Paine found his political ideal expressed in the French *Declaration of the Rights of Man and Citizen*. While in France and in jail (he belonged to the Girondin faction and was almost guillotined by Robespierre), Paine wrote *The Age of Reason*, a condemnation of orthodox Christianity and a defense of deism. He returned to the United States in 1802 and remained there the rest of his life.

Wilhelm von Humboldt (1767-1835), in his *Essay on the Limits to the Action of the State* (written in 1792, published in 1850), radically opposed all the prerogatives of the absolute state and any governmental intervention in the life of the citizens except to safeguard their internal and external security. Humboldt separated politics from morality and religion. He wanted the state to be preoccupied only with the observance of the laws and not with religion and religious matters. Even the control of the morals of the citizens is out of bounds for his state. (As will be evident, this doctrine had many points in common with that of the utilitarians.)

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itself in nationalities. According to him, every people has a particular mission and that mission is what constitutes its nationality. But Mazzini, unlike Maurras, advocated a liberal, humanitarian type of nationalism—a nationalism compatible with or rather calling for "the alliance of the peoples in order to work out their mission in peace and love . . . each supporting and profiting by the other's aid" (*Giuseppe Mazzini: Selected Writings*, ed. by N. Gangulee [London: Drummond, 1945], p. 139).

Reasons for justifying and praising the French Revolution were brought forward in quantity by another German philosopher, Johann Gottlieb Fichte (1762-1814). Later Fichte advocated ideas not consonant with democratic tenets, highly extolled the nation-state, and called for a rigid regulation of all its economic activities. By welcoming the democratic revolution, however, and defending the right of the people to change their political constitution, he put himself on record as a believer in liberal individualism and economic liberalism.

A liberal but cautious reaction was voiced by Alexis de Tocqueville. While accepting the democratic principle, he warned against the dangers inherent in its egalitarian principle (uniformity and conformity, excessive individualism, tyranny of the majority). To make democracy safe he appealed to man's passion for liberty and to firm religious convictions. Tocqueville's ideas are found in his *Democracy in America*—an unexcelled study by a foreign observer of a nation's institutions and culture, probably the best ever written, whose value remains undiminished even today.

#### UTILITARIANISM

Utilitarianism was prepared by David Hume (1711-1776); its formulation was anticipated by the French philosopher Claude Helvetius (1715-1771); but it was Bentham (1748-1832) who gave it classic expression. Hume, in his *Treatise of Human Nature* (1739) and *Inquiry Concerning the Principles of Morals* (1751), denied the existence of rational principles of justice or moral laws of nature and, therefore, the rational basis of the so-called rules of morality. These he explained as mere conventions or dictates of social utility. Nor did he admit the validity of reason or conscience as a link between natural law and human action. For Hume the spring of any action is its agreeableness: "Reason is, and ought only to be, the slave of the passions and can never pretend to any other office than to serve and obey them."<sup>7</sup> Helvetius, in his *Of the Spirit* (1758), repeated Hume's denial of absolute right or justice and saw in self-interest (seeking what is pleasurable, avoiding what is painful) the sole determinant of men's actions. But he

<sup>7</sup> *Hume's Moral and Political Philosophy*, ed. with an Introduction by Henry D. Aiken (New York: Hafner, 1948): *Treatise of Human Nature*, p. 25.

added that, although self-loving and born without "innate principles of virtue," men can be so educated and guided and helped by legislation as to seek their happiness in the promotion of the happiness of others. As to Bentham, in his lengthy presentation of the utilitarian theory he held that the test of the goodness of any action is its contribution to human happiness. He disregarded the idea that the state originated through a primitive contract for the purpose of protecting man's natural rights. Rather, he conceived it from the purely hedonistic angle of having been established because of its usefulness to men, for the specific purpose of promoting "the greatest happiness of the greatest number."

One of Bentham's most faithful and brilliant supporters and one of the most fervent apostles of the utilitarian creed was John Stuart Mill (1806-1873), son of James Mill. He added precision to the notion of happiness with his qualitative concept of pleasure (here correcting Bentham for whom pleasures are all of the same species) and insisted on its social characteristics. Mill was a firm believer in sociology, in his view the unique social science. His most famous essays (*Utilitarianism*, 1861; *On Liberty*, 1859; *Considerations on Representative Government*, 1861) reveal an extreme individualist. His definition of freedom is well-known: "The only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs or impede their effort to obtain it."<sup>8</sup> Except in very special cases Mill rules out all interference with the liberty of action of any man or group:

the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. . . . Over himself, over his own body and mind, the individual is sovereign.<sup>9</sup>

Consequently, governmental activities are to be limited to the minimum. To help men remain free, to provide an opportunity for a "variety of situations," Mill recommends representative government, adding however that such government is possible only among highly developed peoples. In his concern for individualism,

<sup>8</sup> *On Liberty*, in *Utilitarianism, Liberty, and Representative Government* (London: Everyman Edition, 1929), p. 25.

<sup>9</sup> *Ibid.*, p. 73.



Mill warns against the danger of mass democracy and of the consequent ascendancy of public opinion: "they now read the same things, listen to the same things, see the same things, go to the same places, have their hopes and fears directed to the same objects . . . ." <sup>10</sup>

### IDEALISM

As a philosophical system, idealism represented a reaction to empiricism (championed by Gassendi, Hobbes, Locke, and especially Hume), that is, against the emphasis on sense experience at the expense of thought in the learning process. According to the idealists, ideas are the essential factors in knowledge: there is nothing beyond our idea and our knowledge, and it is by our intellectual activity alone that everything is explained. As an ethical doctrine, idealism struck hard at the hedonistic concept of utilitarian liberalism (life is a pursuit of self-interest, and pleasure the spring of human action). The idealists put the accent on duty, not on gratification or calculation or even right. They saw life as a tremendously exacting and heroic affair. For them, man's purpose was to achieve perfect spiritual freedom—a purpose to be realized by stages with the help of law, morality, society, and religion. As a political theory, idealism was an extreme effort to turn away from the individualistic outlook and atomism of the democratic revolution, which had limited and therefore in a sense minimized the authority and the functions of the state. The idealists (pantheists, mystics, and romantics combined) extolled the national state to unparalleled heights. They denied its creation by individuals or families or other social groups. They viewed its authority as unlimited, its law as the infallible expression of justice, its citizens as absorbed by and in it so as to become fully free.

Prominent idealist philosophers were the German Herder, Fichte, and Hegel. Johann G. Herder (1744-1803) featured in politics the indefinable element *Volk* and called for the German people's recapture of the essence of their *Volkstum* and the pursuit of its destiny, following the intense fervor of their primitive feelings and subjective intuitions. Herder's state is totalitarian: trips abroad are regulated by state plan, foreign trade is a state monopoly, citizens' occupations and professions are decided by

<sup>10</sup> *Ibid.*, pp. 130, 131.



the state. Johann G. Fichte (1762-1814) in his *Addresses to the German Nation* (1807-1808), fourteen discourses delivered at the Academy of Berlin and intended for the entire nation, gave much importance to the national state. He wanted the individual to submerge into a collectivity and the state to widen its sphere of authority, particularly in regard to property and production and trade, to the point of setting in motion a system of state socialism. With Hegel, German idealistic and nationalistic thought reached its climax. As the separate chapter on Hegel explains, the state became "the realization of freedom," the absolute power on earth, "*der Gang Gottes in der Welt*" ("the march of God in this world"). Individuals were completely at its mercy, without rights against it, deriving all spiritual reality from it. The omnipotence of the state was incarnate in the ruler—in him the spirit of the people lived and expressed itself. Nations were independent one of another. In their mutual relations, the rules of conventional morality had neither meaning nor place. Perpetual peace was not to be desired, for by stopping the progress of evolution it would bring stagnation and corruption. History is explained in terms of divine judgment: the nation that triumphed over the others in a given historical period was the one predestined to impose its will and to push forward the frontiers of the Spirit.

Outside Germany, outstanding representatives of the idealistic view of the state were (in England) Thomas Hill (1836-1882), F. H. Bradley (1846-1924), Bernard Bosanquet (1848-1923), and (in Italy) Giovanni Gentile (1875-1944). It was Gentile who gave Italian fascism its philosophical ideology and, at Mussolini's request, formulated the so-called fascist doctrine.

## POSITIVISM

The founder of positivism was Auguste Comte (1798-1857). From 1818 to 1824 he was a disciple of Saint-Simon (1760-1825), whose ideas for the organization of a new society much impressed him. But unlike Saint-Simon, who wanted to reform society immediately, Comte realized, after a reading of de Maistre, that some unity of faith and thought had first to be re-established among men. Since a return to the "theological" unity of the Middle Ages was out of the question, mankind was to be provided with a new basis from which to project itself into the golden age.

This is why and how Comte founded his philosophical system. Positivism repudiates all traces of metaphysical speculation and moral appraisal, considers experience the sole source of truth, and explains all human behavior in terms of scientific laws immanent in the things themselves. It was Comte's fundamental thesis that determinism rules natural phenomena as well as man and society: human life and activities are unalterably governed by certain natural immutable laws just as physical phenomena are constantly controlled by equally necessary, immutable, and immanent laws of nature. It was also Comte's belief that through observation and description of human events (the data of experience) it was possible to reach the knowledge of their laws and relations—a reliable and invariable knowledge, the whole body of which constitutes *positive* philosophy and includes all positive sciences: mathematics, their broadest foundation, and then astronomy, physics, chemistry, physiology, and finally, for their apex and ruler, sociology, a term which Comte himself coined. The last specifically studies human facts and draws on the findings of the other sciences. Its object is the "observation of intellectual and moral facts, through which human societies are constituted and by which they are progressive."<sup>11</sup> Its purpose is synthesized in Comte's famous phrase: "*Savoir pour prévoir, afin de pourvoir*" ("To know in order to foresee, and therefore to provide"). It has the role theology had in the Middle Ages.

Comte speaks of a *static* and a *dynamic* sociology. The former deals with *institutions* (the conditions of social existence: property, the family, language) or objective means needed by man to establish himself in society, and with *functions* (the conditions of social equilibrium: social forces, material, intellectual, moral; authority; and religion). Dynamic sociology deals with the *laws of social progress*: in general, the law of evolution; in particular, the laws of intellectual progress, progress in activity, affective progress. It is according to the law of affective progress that man's natural sentiment of altruism will grow so strong as completely to dominate egoism, the other natural sentiment. Here, in Comte's fourth law, is the essence of his morality—a morality that consists in *duty*: the duty to live for others.

<sup>11</sup> F. J. Thonnard, *A Short History of Philosophy* (Tournai and New York: Desclée, 1955), p. 762. The whole chapter on "The Synthesis of Auguste Comte" (pp. 752-776) is worth reading.

Comte saw in the history of humanity the law of progress or continuous development and he expressed it in his so-called "law of the three stages" in the evolution of the mind. The first stage is the theological (wherein facts are explained by reference to the wills of personal beings, especially supernatural beings). The second is the metaphysical (wherein things are explained in terms of impersonal forces and general concepts, such as causes, substances, faculties). The third stage is the positive: in it a rigorous study is made not of the first causes of facts (the why) but of the laws by which they are controlled (the how).

Comte's philosophy is contained in his *Course of Positive Philosophy* (1830-1842) and *System of Positive Politics* (1851-1854). In the later work he expresses his disapproval of democracy and in particular of delegating sovereign powers through popular suffrage. He also developed a strange plan for a political and religious organization of society under the intellectual and moral direction of a scientific priesthood (sociologists) helped by an élite of industrial leaders and bankers. Comte attempted to construct a positive religion to supplant Christianity. He gave it a trinity: humanity, earth, air; priests (the supreme pontiff was Comte himself—and in his later years he received annual subsidies from his followers); rites and ceremonies, and saints (the first was a woman with whom he had been intimately associated).

A derivative form of positivism, although quite independent of some of Comte's philosophical positions, was the doctrine of Herbert Spencer (1820-1903). He was convinced that evolution, "a *single* metamorphosis universally progressing," was the magic principle capable of bringing together in a unified whole all sciences from astronomy and biology to ethics, sociology, and politics. For him society and political institutions were the result of a slow inevitable process of certain laws immanent in nature. Principal among these were Darwin's law of the survival of the fittest and, consequently, of the extermination of all who are unwilling or unable to adapt themselves to the social milieu, and Lamarck's law of the inheritance of acquired characteristics, according to which the surviving individuals and society at large cannot fail to become better from generation to generation. State and government are temporary evils, for men still labor under violent instincts inherited from previous forms of existence. But because the process of evolution must take place unhampered, the func-

tions of the state are to be limited to the minimum necessary for the maintenance of order. Ultimately men will be divested of their predatory tendencies; ultimately the state will disappear. Then men and nations, having reached the ultimate stage of social evolution, will enjoy the blessings of an industrial economy that will provide work and food and leisure for everyone to live together happily and peacefully. At least for a time: for once the ultimate equilibrium is reached a new process sets in—a backward process, a process of dissolution.

### SOCIALISM

A wide variety of modern socialist doctrines developed during the latter half of the nineteenth and the early twentieth century. As a rule, socialism in all its forms is primarily an economic theory that turns to politics only as a means to its economic goal. It originated as a protest against such evils or defects of capitalism as inequality of wealth, income, and opportunity; insecurity and cyclic unemployment; production not for use but for profit; antagonism between employers and employed. It has, as a common fund and inspiration, a positivist and materialistic morality: "placing the ideal of human life on this earth in economic prosperity," socialism attempts "to procure this status by a new organization of society in which the right of private property will be suppressed completely or in part."<sup>12</sup> Writing in 1928, F. J. C. Hearnshaw<sup>13</sup> described the essentials of socialism as the six E's: the exaltation of the community above the individual, the equalization of human conditions, the elimination of the capitalist, the expropriation of the landlord, the extinction of private enterprise, and the eradication of competition. In other words, socialism seeks (1) the abolition of all forms of private capital and with it the incentive to private profit; (2) the public or collective ownership at least of all the great industries and the land. A third essential has been more recently added: the organization of a central planning system to direct all economic activities in view of the common good.

While all socialists agree on these general principles (except for the anarchist-socialists and the syndicalists, who would not

<sup>12</sup> *Ibid.*, p. 810; see entire chapter on Socialism, pp. 808-826.

<sup>13</sup> In his *Survey of Socialism, Analytical, Historical, Critical* (London: Macmillan, 1928), chap. 2, "The Six Essentials of Socialism," pp. 34-70.



accept the emphasis on central planning), they disagree on the kind of society to re-create and how to do it. Communists and syndicalists and some anarchists rely on violence and revolution as the most important means. Collectivists, guild socialists, and some anarchists try to build socialism by a gradual and non-violent process of "evolution."

## COMMUNISM

Marx (1818-1883) is commonly recognized as the father of scientific socialism,<sup>14</sup> or communism. He and Engels made the following the dogmatic articles of its creed:

- (1) The denial of God and everything spiritual in man.
- (2) The materialistic interpretation of history, according to which the economic structure of society determines all human and social processes of life.
- (3) The class struggle, which began with the establishment of private property and finds expression today in the irreconcilable antagonism (arising from the appropriation of the "surplus value" by a handful of exploiters) between capitalists and proletarians.
- (4) The inevitability of a social revolution as a result of which the proletariat will overthrow and expropriate the capitalist class.<sup>15</sup>
- (5) The dictatorship of the proletariat, whereby the proletariat organized as the ruling class will liquidate the bourgeoisie and develop socialism into communism.
- (6) The withering away of the state.
- (7) The emergence of the new society—the ultimate, Godless, classless, stateless form of human society.

Marxian socialism was further developed and applied to the changed economic and political situation of the world by Lenin (1870-1924). He is credited with the elaboration of a new theory

<sup>14</sup> This kind of socialism is contrasted with what is called "Utopian socialism," a socialism that has for its bases humanitarian and moral considerations and relies on voluntary acceptance arrived at by means of persuasion and education. Its most famous advocates were Francis (Gracchus) Babeuf (1760-1797), Henri de Saint-Simon (1760-1825), Charles Fourier (1772-1837), Robert Owen (1771-1858), Pierre-Joseph Proudhon (1809-1865).

<sup>15</sup> In this regard, the Communist Party has the catalytic function of hastening and quickening the tempo of the revolution.



of proletarian revolution and with a study of the state, both the capitalist and the proletarian state, from the point of view of Marx's premises.

### SYNDICALISM

Syndicalism, the theory that regards the trade union organizations or syndicates as the foundation of the new society and as the instrument for its realization, was born in France. Its most influential figure was Georges Sorel (1847-1922), an engineer by profession and also a philosopher—but above all a moralist, severe, intransigent, harsh, gloomy, and passionate. He expressed his social theory in *Reflections on Violence*, a series of articles that appeared in 1906 and were published in a revised form in 1908. Sorel shared many of the socialist beliefs: contemporary society was divided into two irreconcilable classes, the state was a tool at the service of a few exploiters, private capital was the root of all evils. But he refused to accept collective ownership of the means of production, and favored, in the new society, a system of producers' cooperatives controlling industry and operating as independent units. He also went his own way in choosing the methods by which capitalism was to be replaced by socialism. Anti-parliamentary, aristocratic, and revolutionary, Sorel despised political parties. He could not stomach the Parliamentary Socialists, who had compromised with the exploiters' world and abandoned the revolutionary idea. Originally a bourgeois, Sorel envisioned salvation only through the "autonomous development of the workers' syndicates" and their insurrection or "direct action" against a corrupt and unjust social organization. Their action was to take the forms of boycott, sabotage, strikes, and ultimately of the general strike (a combined and simultaneous strike of the workers of key industries, such as electricity, gas, and transport). This general strike Sorel proposed to labor as their myth: an apocalyptic vision of the capitalistic world falling to pieces, ending shamefully because of the total paralysis of economic life. In summary, two ideas dominate Sorel's *Reflections* and, in general, his syndicalist doctrine:

a negative idea, which is like the shadow, a positive idea, which is like the light. The negative idea is the violent, angry, bitter rejec-

tion of the democratic compromise and of parliamentary socialism, its most odious form. The positive idea is the exaltation of proletarian violence. . . . Only this violence, guided by the idea or more precisely by the myth of the general strike, will be capable of giving rise to that new morality which will save socialism from sinking down and maintaining the revolutionary ideology on an even keel.<sup>16</sup>

### DEMOCRATIC SOCIALISM

The communists and the syndicalists believed in revolutionary socialism and, viewing even the democratic state as a product of force and an instrument to perpetuate exploitation, refused to collaborate with it in any way. But other socialists expressed themselves in favor of attaining the desired end through gradual and peaceful changes constitutionally effected. Of these socialists, Karl Kautsky (born in Prague in 1854, died in Holland in 1938) was the leading mind behind the Second International founded in Paris in 1899 and later repudiated by the extreme radicals. An implacable foe of Lenin and Russian communism, he remained all his life an orthodox Marxist: at least, so he claimed. In reality, he accepted Marx's materialistic interpretation of history and the belief in the inevitable disintegration of capitalism. On other issues, however (Marx's meaning and timetable of the proletarian revolution and the organization of the new society), which form the core of his opposition to Lenin and Russian communism, Kautsky's love for democracy and hatred of physical violence and moral coercion made him perhaps wander away from true Marxism. Thus Lenin seems right in accusing Kautsky of misunderstanding and even betraying Marx's teachings.<sup>17</sup>

### THE FABIAN SOCIETY

Other democratic socialists consciously and definitely abandoned the Marxian platform. Prominent in this group are the Fabians or members of the Fabian Society founded in 1884 in

<sup>16</sup> Chevallier, *op. cit.*, p. 318; see the entire chapter on Sorel, pp. 313-332.

<sup>17</sup> *The Proletarian Revolution and Kautsky the Renegade* (1919) was the title Lenin gave his answer to Kautsky's *The Dictatorship of the Proletariat* (1918), an indictment of Russian dictatorship. Kautsky also wrote,

England. They reject the materialistic and atheistic philosophy of communism as a basis of their economic theory and are against violence and other unconstitutional methods. They also differ from communism in their attitude and approach to public ownership of the means of production. They are for it when and insofar as there are practical and verifiable justifications (in view of the common good) for transferring this or that industry from private to public ownership. Above all, the Fabians seem to believe more in individual freedom than in socialization. They implement their program only with the consent of the people, whom they, in the meantime, seek to inform, educate, and persuade. Finally, while communism advocates the ultimate disappearance of the state, the Fabians seem to suggest that the democratic state will remain indefinitely with added functions as required by the increased responsibility of more abundant production and a more equitable distribution of wealth than presently exist.

### ANARCHISM

Etymologically, anarchy means "without rule." As a theory, anarchism advocates a society without government, wherein men live peacefully and harmoniously together not by submitting to law or by obeying an authority but through agreements, freely concluded and kept, between the various territorial and professional groups, for the sake of providing for man's material and intellectual needs.<sup>18</sup> Of course, this definition does not apply to the extreme anarchism of Max Stirner (1806-1856), the author

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in the same vein, *Terrorism and Communism* (1919). It was his thesis that Marx wanted the socialist revolution to take place only when the proletariat would represent the majority of the population and when, as a consequence, the victorious proletariat must not and need not rule by force.

<sup>18</sup> See in the *Encyclopaedia Britannica* the article on Anarchism, written by P. Kropotkin. One of the first modern writers to give expression to anarchist thought was William Godwin (1756-1836), the author of *Enquiry Concerning Political Justice* (1793). Starting with the liberal dogmas (autonomy of human reason, its independence from revelation, man's indefinite perfectibility), he ended, not inconsistently, by repudiating all authority and asserting that human institutions are the greatest obstacle to justice. Godwin's ideal was to make *tabula rasa* of the whole structure of political and religious belief and to replace it with a new social arrangement entirely derived from and based on pure speculative reasoning.

of *Unico* (1845). Stirner is against every form of state; he condemns liberalism, socialism, and communism. He centers his doctrine exclusively around the individual considered as *unique* and literally master of his destiny. Everyone, in Stirner's opinion, derives his rights from himself; hence, everyone has the right to be what he wants and can be, and also to do whatever he wishes. He is even entitled to kill if he authorizes himself to do so. Stirner refuses every social law and sees in society the enemy of the individual. He proclaims the perfection of man, rejects sin and guilt as meaningless, does not accept any limitation on the individual's activity and freedom. But almost all other anarchists admit that man is gregarious by nature, that men must be united by good will and mutual help; and for the maintenance of this bond (which will safeguard the common good of all) they rely only on voluntary cooperation. Almost all anarchists share a marked belief in socialism. Next to the abolition of the state and every form of government, they look to the abolition of private capital and to a society wherein each will work according to his capacity and receive according to his need. Where they disagree is on the method to reach anarchy and in their attitude toward religion.

The two famous Russian anarchists, Mikhail Bakunin (1814-1876) and Peter Kropotkin (1842-1921), were atheistic and revolutionary anarchists. The former considered belief in God the principal obstacle to freedom and made atheism and its propaganda first of his chief principles (next comes the destruction of the state); the latter wanted religion replaced by a natural, instinctive morality. Both had, in theory and in practice, insurrectional tendencies.

Leo Tolstoi (1828-1910), although denouncing the state as "the domination of the wicked, supported by brute force" and asserting that "robbers are less dangerous than a well-organized government," proposed to reach universal anarchy through persuasion or the illumination of the heart of each individual and, once the light is seen, through passive resistance to government. Tolstoi's anarchy was compatible with belief in God and based on the Sermon on the Mount literally interpreted. A similar theory, although highly personalized and interpreted with a touch of Thoreau's and Gandhi's ideas and ideals, is preached by the American Ammon Hennacy, a Catholic pacifist, and some of his associates in "The Catholic Worker" movement. Hennacy's prin-



ciples and life are interestingly told in his *Autobiography of a Catholic Anarchist*. The following is a recent statement of Hen-nacy on his group's doctrine and policy:

We are motivated by Christ and St. Francis to a life of voluntary poverty with no reliance upon bullets or ballots or formal organization to achieve our ideals. . . . We feel that we have creatively used Gandhian dialectic in taking the thesis of the Counsels of Perfection of the early Christians as contrasted to the antithesis of the acceptance of the industrial-capitalist system by most of the clergy today; and we have emerged with the synthesis of living poor, in the vanguard of civil disobedience to air-raid drills, payment of income taxes for war, and in the absolutist stand of refusal to register for the draft, creating . . . the new society "within the shell of the old."<sup>19</sup>

### TOTALITARIANISM

Both in the theory and the practice of politics, recent times have been characterized by three notable features: the rise and development of democracy, nationalism, dictatorship. The growth of democracy decisively marks the period between the French Revolution and the outbreak of World War I and, again, the period subsequent to World War II. The universal emergence and consolidation of nationalism (the political principle that organization into an independent statehood is the right of every people constituting a nationality) have vividly colored the history of the past 150 years. The national idea and sentiment still deeply stir peoples everywhere and provide leaders of all kinds with facile slogans, at times deceptive, always fiery. The rise of dictatorship is a dominant feature of the period that began in 1917. Under cover of virulent nationalism or under the mask of democracy, totalitarianism (in one form or another) has become a common if ugly political fixture in too many countries.

There are three major types of totalitarianism in the modern sense of the word: the communist, the fascist, the national socialist.<sup>20</sup> The first seized all power in the name of the proletarian

<sup>19</sup> *The Catholic Worker*, New York (January, 1959).

<sup>20</sup> All three forms of totalitarianism were officially condemned by Pius XI (1922-1939): fascism, with the encyclical *Non abbiamo bisogno* of June 29, 1931 (*The Conflict in Italy*, N.C.W.C., Washington, D. C., 1931); national socialism, with the encyclical *Mit brennender Sorge* of March 14,



class, the second on behalf of the nation, the third in the name of the race. The communist type advocated by Marx and realized in Russia by Lenin is described elsewhere in this book. Italian fascism is also treated separately. The Nazi dictatorship carried to its ultimate conclusions the theory of totalitarianism elaborated by the Italian fascists as they went along. But national socialism is no mere copy. In applying the fascist pattern to their problems, the Germans added elements of their own, such as racism, pan-Germanism, anti-Semitism, and anti-Christianism.

### NATIONAL SOCIALISM

Adolf Hitler (1889-1945) was chiefly responsible for the rise and development of national socialism. From 1933, the year he became chancellor of the Reich, to 1945, the year that saw his tragic end and the end of his regime, party, and war, Hitler applied his political doctrine in Germany. But he had long before put it into writing in *Mein Kampf* (1925-1927), an autobiography and a statement of principles. In this work, and especially in Chapter XI ("*Volk und Rasse*") of the first volume, Hitler presented to Germans<sup>21</sup> everywhere a new conception of the world. This *Weltanschauung* is based on the dogma of race, according to which the blood of a social group is the only true determinant of its outlook and mode of thought. The race, its blood: this is the exclusive influence on history, and indeed the basis for a new interpretation of history. What the mode of production is to Marx, race and blood are for Hitler.

There is a superior breed of men: those of the Aryan race and primarily the German people, the "depository of the development of human civilization." They are a race of masters, men whose greatness consists not so much in intellectual talents as in their idealism or capacity to sacrifice themselves for the community.

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1937 (*The Church in Germany*, N.C.W.C., Washington, D. C., 1937); communism, with the encyclical *Divini Redemptoris* of March 19, 1937 (*Atheistic Communism*, N.C.W.C., Washington, D. C., 1937). The text of these three encyclicals appears also in *Church and State Through the Centuries*, ed. by Ehler and Morrall.

<sup>21</sup> Hitler's racist doctrine was addressed exclusively to the Germans. It was not an article for exportation or a philosophy for universal adoption. But it was a theory that concerned all men, for ultimately it wanted them divided into two classes: the slaves and the masters.

(It is here that Hitler sees the essential difference between the Aryans and the Jews: the latter have no "idealism"; they use their intelligence only "to destroy.") It is imperative that the superior race be kept pure, uncontaminated. The loss of the purity of blood is the irreparable loss, the unforgivable sin.

This fundamental premise established, Hitler gives his view of the mission of the state. Hitler's state ("the German state of the German nation") is "ethical," antiliberal, antiparliamentary, anti-egalitarian, hierarchical, and corporative. It is totalitarian or all-inclusive and all-governing. It offers an answer to all questions, a solution to all problems. It is a one party state; and that party is the German national socialist, "the bearer of the idea of the German state and inseparably connected with the state." It is a leader-state: the Führer is constitution, law, court: the one mysteriously anointed by God to be the mediator between heaven and the German people. From him all government stems. He is always right. He cannot be contradicted. He is to be unconditionally accepted: obey or perish. To him personally all citizens are responsible. Actually, in the Nazi state, all state officials were to take an oath to the Führer.

It should be kept in mind that in Hitler's doctrine, exalted though the state is, it is not an end in itself. It is merely an instrument, a "container": what counts is what it contains. And here is the immense difference between Mussolini's and Hitler's state. The fascist idea of the state was not new: it went back to Machiavelli; it re-presented the classical idea of the state-nation, an end in itself. Fascism, to believe its theoretical assertions, was statolatry—and the worship of the state is not new in Western political history. But for Hitler the real thing is the *Volk* or *Volks-tum*, a term pregnant with deep and dark meanings, a term reaching back to primitive times to discover the tribal essentials of the people considered as "the racial unity resting on the community of blood."

Hitler assigns the state a dual function. *Internally*, it must preserve the purity of the German blood. This it does through a series of appropriately ruthless measures: (1) legislation and vigilance against all blood mixtures or contaminations; (2) clever and unrelenting propaganda to make the masses race-conscious and to free them of all restraining considerations (conscience, morality, humanitarian principles, respect for truth, natural rights) in the

pursuit of their German (imperialistic) destiny; (3) the formation of the character of individual citizens so that each and all feel the incomparable pride of belonging to the German nation. *Externally*, the racist state must defend the German people and expand adequately for their sake. This at the expense of France, to cancel forever the humiliation of past defeats with an irreversible victory; and of communist Russia, to provide the Germans with needed *Lebensraum*. As allies of Germany for the realization of this foreign policy, Hitler recommended Great Britain and Italy.

### CHRISTIAN DEMOCRACY

Christian Democracy is an idea and a movement both social and political. Founded on Christian principles and committed to a method of freedom, it aims at a synthesis of individual rights and social duties, and works for the creation of a state wherein all classes cooperate and all members are free under the law. Born in Europe in the nineteenth century and slowly developed in the first decades of the twentieth, it came of age after World War II.

Its long list of pioneers and champions opens with the names of Félicité Lamennais (1782-1854), Jean-Baptiste Lacordaire (1802-1861), and Charles-Forbes-René de Montalembert (1810-1870). Writing in their newspaper *L'Avenir*, these men attacked both the Gallican heresy and the theory of absolutism. Ultramontanes and democrats, they stood for separation of Church and state, for universal suffrage, for legislative power in the hands of the people, and for absolute control of government by the people. Some of their views and methods were justly condemned (by Gregory XVI in his encyclical *Mirari vos*); others, eminently right and timely, did not and could not die and would again be forcefully presented by the leaders of Christian democracy.

Christian democracy is also a social and economic theory directed to the protection and betterment of the weaker classes—the working classes both urban and rural. Here, in regard to this aspect, those who provided the spark and outlined a plan of action were the French Antoine Frédéric Ozanam (1813-1853) and Léon Harmel (1829-1915), the German Wilhelm Emmanuel von Ketteler (1811-1877), Bishop of Mainz, and his disciple Canon Christopher Moufang (1817-1890), the English Henry Cardinal

Manning (1808-1892), and the Italian Giuseppe Toniolo (1845-1918). They bitterly opposed the unbridled *laissez-faire* economies, fought selflessly to end oppression and exploitation, championed the workers' right to organize, to just wages, to decent hours and working conditions.

Perhaps most responsible for the modern and systematic formulation of Christian democratic principles and goals, and for the establishment of a Christian democratic party able to meet the challenges of the present century in Europe, was the scholarly Sicilian priest Luigi Sturzo (1871-1959). At the end of World War I he founded a political party of Catholic laymen called the Popular Party. After World War II similar parties sprang up in almost all European countries—and Western Europe, instead of going socialist as predicted, was carried out of chaos to salvation.

The principles fundamental to Christian democracy are not new. They form the core of what is generally termed the Judaeo-Christian heritage: the fatherhood of God, the brotherhood of man, the essential dignity of the human person, man's duties to himself and to society, the right to private ownership and the social function of property, the relationship between morality and politics. But as a modern force Christian democracy strives valiantly to apply the old principles to today's problems and to supply the needed alternative to a Godless communism and a secularistic and capitalistic liberalism. Christian democrats refuse to see only two irreconcilable ways in politics and economics. They contend that there is a third and right way, which is equally against the dictatorship of money or the materialistic philosophy of unlimited profit and the dictatorship of the state or class.

Christian democracy's first characteristic is its Christian foundation. The dictates of charity and of justice, the sense of community, the idea of the common good, the rejection of narrow individualism, of hedonism, and of a secularistic mentality—these are to vivify and purify political life and contribute to man's personal and social happiness. Its second characteristic is the method of freedom. Force, fraud, stratagem are outlawed as means to political and economic goals. All such goals are to be pursued constitutionally in a free, gradual, orderly fashion. Thus Christian democracy strikes simultaneously at both secularistic liberalism and atheistic communism: at the former's materialistic outlook and its divorce from an objective norm of morality, at the latter's total



denial of God and of everything spiritual in man as well as its reliance on violence, terrorism, and deceit.

Christian democracy attacks the economic right and the economic left with equal vigor. Contrary to extreme individualism, it is ready to change established economic norms and patterns to conform to the needs of the time. It insists that private property is to be used not only for one's own good but also for the good of the community. It admits the state's right to regulate economic life. Contrary to excessive collectivism, it believes that man has a sacred, though limited, right to private property. It opposes the total transfer of the means of production to the state. It does not view the state as a "repressive force" at the service of a single class.

In its formation and growth and progress, Christian democracy owed much to the Church. Firstly, of all forms of government, democracy for the Christian democrats seemed to embody the best norms of a Christian (and therefore Catholic) order. The Christian doctrine of brotherhood of all men in Christ, Christ's preoccupation for the humble and defenseless, His preaching the gospel to the poor, the Christian idea that greatness consists in serving rather than in being served, the long Christian tradition of equality and freedom through the Middle Ages and into the sixteenth century—all this seemed naturally to call for a secular arrangement devoted not to the triumph of abstractions but to the service of the human person recognized as a free and equal being, a possessor of natural rights, inextricably bound to the social framework within which he lives and works. It seemed also that a democratic form of society constituted an almost ideal milieu wherein the Church could expand and fulfill her mission, and men reach their full natural and Christian stature. Secondly, there were official declarations of the Church to praise and recommend principles and policies advocated by the Christian democrats. The social concern so essential to the democratic idea and movement obtained invaluable support in *Rerum novarum* (May 15, 1891), the famous encyclical of Leo XIII on the condition of the working classes. The pope was as determined as his predecessors to resist anti-Christian tendencies in modern society—especially secularistic liberalism and Marxist socialism. But he did not limit himself to a defensive posture, to a condemnation of error, or even to the restatement of principles good and valid in themselves but of little



efficacy unless daringly applied to the solution of contemporary problems. Not a man to have his strategy dictated by a siege mentality, Leo XIII presented a positive and constructive pattern of Christian order able to provide the needed alternative to both rapacious capitalism and totalitarian socialism. Great as all his encyclicals are (and they explore every aspect of social, political, and economic life), it is in this that he was truly revolutionary, ahead of his contemporaries, setting up a program of reforms that even the most social-minded states have not yet carried out in its entirety. His charter of labor revived the social conscience of the Catholic laity and gave a tremendous impetus to Catholic social thinking and to all men of good will: it spurred them to act to free the world from the curse of unrestricted capitalism and the threat of Godless communism.

The social ideals of Christian democracy received new support in Pius XI's *Quadragesimo anno* (May 15, 1931), the encyclical on the reconstruction of the social order.

In his exposition of the fallacies of both capitalism and socialism, Pius XI continued the social "middle way" enunciated by his predecessor in the encyclical *Rerum novarum*. Meditating over the papal recommendations, a number of competent observers, both Catholic and non-Catholic, have come to believe that the solution to modern economic problems actually lies in a system of corporative organizations which would curb individualist excesses while guarding against undue encroachments by the state. If they are right, then the encyclical *Quadragesimo anno* may be regarded in future epochs as one of the most significant documents of the twentieth century.<sup>22</sup>

As for the political aspect of Christian democracy, that is, concerning democracy as a form of government (government of the people, by the people, for the people), it was not until the pontificate of Pius XII that the Church explicitly proclaimed it the political system best conformed to the modern temperament. In his many pronouncements (which still await a scholarly exploration and evaluation), Pius XII insisted time and again that the people are responsible for the government and the laws of their country. He saw the people not as a confused, helpless, and inert mass to be moved at will by a body of governors or rulers, but as a dynamic whole, masters *sub Deo et lege* of their being and of their activity.

<sup>22</sup> Ehler and Morrall, *op. cit.*, p. 412.

He called on them to make the legal system Christian on both the national and the international level. He expected them to transform the old environment by injecting into it the principles of a higher law and the values of Christian morality. At this point, Pius XII towers above all his predecessors. Even Leo XIII, who was so aware of the historical evolution of the *social* question, limited his survey of the *political* question to a reality that was soon to vanish. He seemed to take into account only one form of government: the paternalistic, monarchical, authoritarian. Leo had made the great breakthrough in regard to the social problem. Pius XII made it in regard to the political. Each in his own way gave Christian democracy approbation and help.

This does not at all mean that the Church has endorsed Christian democracy as her own social and political doctrine and party. Strictly speaking the Church is of no political color. For her the theory and form of government in a given country are immaterial so long as its principles do not conflict with Christian ethics and she is left free to pursue her mission. Her unchanging spiritual interests cannot be identified with the contingent purposes of a nation, party, organization, or movement, just as the conduct of her diplomacy never falls in line with (although at times it may run parallel to) the policies and moods determined by momentary preoccupations and sheerly political reasons. Yet it remains true that Christian democracy is based on principles and advocates policies that admirably respond to the exigencies of the Christian conscience as illuminated by the constant teaching of the Church throughout the two thousand years of her history.<sup>23</sup>

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<sup>23</sup> See Conrad Bonacina, "The Catholic Church and Modern Democracy," *Cross Currents*, No. 5 (Fall, 1951), pp. 1-14; J. V. Langmead Casserley, "Christianity and Democracy," *ibid.*, IV (Fall, 1954), 310-326.

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## CHAPTER XVII • *Locke*

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### LIFE

**J**OHN LOCKE, the powerful mind who was to give European philosophy a new direction, was born at Wrington, near Bristol, in Somerset, on August 29, 1632. His father, a landed notary, was a dedicated Puritan; a captain in the Parliamentary Army, he fought in the civil war of 1642, which brought death to Charles I and power to Cromwell. For his studies Locke went first to Westminster College in 1646; then, in 1652, to Christ Church at Oxford, where he received his bachelor's and master's degrees and taught Greek and moral philosophy for several years. While at Oxford he also studied medicine but he did not take the regular course and so never obtained a medical degree.

In 1664, during the first Dutch war, Locke accompanied Sir Walter Vane on a diplomatic mission to the court of Brandenburg. In 1666 he met Anthony Ashley, the future Earl of Shaftesbury. It was the beginning of a lifelong friendship. Lord Ashley made him a member of his household, his counselor and companion, his family physician, tutor to his grandson and, after he was named Lord Chancellor (1672), took Locke as secretary. The philosopher thus found himself a close witness of the critical events of that fateful period. Shaftesbury sided with Charles II until the latter broke with parliament. Then he supported the Whig re-

sistance to the king's efforts to extend the royal prerogative. After a short-lived reconciliation with the court, Shaftesbury was accused of conspiratorial activities, tried and, though acquitted of the charge of treason, forced to leave England for the continent. He repaired to Holland, where he died in January 1683.

Locke's fortunes followed those of his patron and friend. He lost the king's favor, was dismissed from government office (1675), journeyed to France, returned to England (1679), retired to Oxford and, in 1683, resenting the suspicions of the Stuart partisans, went to Holland, where he remained five years. The exiled Locke joined the party of William of Orange, the man who stood for liberty, Protestantism, and parliament, and helped prepare the expedition that, in November 1688, saw the fall of James II, the victory of the liberal Whigs, and William's accession to the throne. In February 1689, on the ship that was carrying Princess Mary home, Locke returned to England. There, serenely, he spent the remaining years of his life. He was seventy-two when he died in October 1704 at Oates, near London, in the home of Sir Francis and Lady Masham.

#### GENERAL PHILOSOPHY

The most important of the works of this prolific and versatile philosopher is his *Essay Concerning Human Understanding* written in Holland (1687) and published in 1690. The *Essay* introduced a new theory of knowledge and is credited with having begun the rationalistic movement, which was to become so fashionable in the eighteenth century and whose tenets would so influence the philosophers and doctrines of the French Revolution.

This cultural movement tried to explain life, as well as natural and social phenomena, through reason alone. Human reason, emancipated from tradition and revealed religion, was considered capable of understanding everything within the realm of experience.

In his *Essay*, Locke compares the soul to a *tabula rasa* whereon experience gradually imprints ideas, that is, all objects of understanding. He denies any validity to Descartes' theory of innate ideas. If there were such ideas in man, Locke's theory runs, these would be equally in all. Thus the idea of God is not innate, for atheists and polytheists are numerous. He likewise denies the ex-

istence of universally known moral principles, for, he argues, principles and customs vary from nation to nation.

### POLITICAL WRITINGS

Locke's political doctrines are closely related to his general philosophy.<sup>1</sup> As knowledge comes exclusively through man's reason by the combination of simple ideas, political power derives solely from man's will by the free association of consenting individuals. Locke's political thought is expressed in his four *Letters on Toleration* (the first was written in Holland) and especially in his famous *Two Treatises on Government*. In the *Letters* he is for the separation of civil and religious power. Locke wants to fix exact limits for both. He is against force and constriction of every sort as a means of spreading or maintaining religion, and advocates toleration for all except atheists (whose promises and oaths are groundless and therefore valueless), Turks and "papists" (whose beliefs impose on them an external temporal authority), and all who undermine the state's security.<sup>2</sup>

Of the *Two Treatises*, the first, with its severe and exhaustive criticism of Filmer's theory of absolute power, is now obsolete and seldom read. The second, a theoretical justification of the Orange regime, advances a new political doctrine, always and everywhere applicable, concerning the origin, extent, and purpose of state power. It is this doctrine that makes Locke the father of modern liberalism and constitutionalism, and opens the way for the eighteenth-century philosophers and their war on absolutism.

### THE STATE OF NATURE

Following the ideas of his time, Locke begins his inquiry into the origin of the state with a description of the state of nature—"that state all men are naturally in." "Men living together according to reason without a common superior on earth with au-

<sup>1</sup> There are, however, exceptions. The empirical philosophy of the *Essay*, for example, can by no means be reconciled with the theory of natural law as expounded in the second treatise on government.

<sup>2</sup> Note the similarity to Rousseau's propositions in the chapter "Of Civil Religion" in the *Social Contract*.

thority to judge between them, are properly in the state of nature.”<sup>3</sup>

Contrary to the traditional doctrine, which considers man a social and political being intrinsically bound to life in civil society, Locke (like Hobbes and Rousseau) sees political society as the result of a free contract, not as a natural social organism. For him it is a matter of convenience and expediency, not of necessity. But Locke's state of nature has little in common with that of Hobbes and Rousseau. It is a state of perfect freedom, for in it men “can order their actions, and dispose of their possessions and persons as they think fit”<sup>4</sup> and are not dependent upon the will of any other man. It is a state of equality, in which all power is reciprocal. No one has more than another. All are born to the same natural advantages. It is a state of reason and not of license, a state ruled by a law of nature, in a word, by reason, in force of which “no one ought to harm another in his life, health, liberty or possessions.”<sup>5</sup> As everyone is God's property, he is bound to preserve himself and, when his preservation is not endangered, he ought to preserve the rest of mankind. In other words, each man has a right to life, liberty, and property. These rights exist simultaneously in all: each enjoys them, each must respect them in others. Notice how closely Locke's concern for freedom and equality is tied up with the concept of law. Law, in turn, is so freed of arbitrariness as to become an expression of order and a guarantee of freedom. Man has furthermore a fourth and a fifth right: to execute the law of nature by resisting and punishing transgressors and to exact reparation for any violation of his inviolable claims. This means that in the state of nature each man is his own judge and executioner. As such, however, he must be guided by calm reason and the dictates of conscience. There is nothing here of the uncontrolled passion of Hobbes' *bellum omnium contra omnes*.

The state of nature, therefore, is not, or at least should not be, a state of war. But should a state of war, a state of enmity, malice, violence, and mutual destruction emerge, then men would find

<sup>3</sup> Locke, *An Essay Concerning the True Original, Extent and End of Civil Government*, § 19. Selections from the second of the two treatises on civil government are taken from the edition published by the Oxford University Press (London, 1952), in the volume entitled *Social Contract*, with an introduction by Sir Ernest Barker.

<sup>4</sup> *Ibid.*, § 4.

<sup>5</sup> *Ibid.*, § 6.



themselves in a bad way. The conflicting parties, especially the weaker contenders, have no authority on earth to which to appeal; no clear positive laws to which to resort for a settlement of the controversy; no common judges on whom to call for a just and binding sentence. The lack of such authority, laws, and judges does not necessarily lead to war, but if, due to human frailty and a faulty interpretation of the law of reason, war comes, in the state of nature mankind would suffer the more and the longer.

#### THE STATE: ORIGIN AND PURPOSE

It is to avoid such a predicament and to remedy the deficiencies of the natural condition that men voluntarily, through mutual consent and agreement, decide to abandon the state of nature and form a political society under a common power able to settle their litigations.<sup>6</sup> In so doing, each man resigns his natural role of judge and executioner to the community, which is to act as "umpire" according to its self-imposed standards.

Locke's surrender is far from the complete surrender of Hobbes and Rousseau.<sup>7</sup> It affects only the fourth and the fifth right. The first three, the rights to life, liberty, and property, remain untouched, untouchable. The limited surrender has a single purpose: that these fundamental rights, belonging inalienably to every man, may be the better maintained and protected. The state is created for a specific end, a legal, juridical end: to translate into concrete terms the enactments of natural law and to safeguard the individual through their impartial execution. Man's basic rights constitute so many barriers to the sovereignty of the state. This containment of state power is Locke's constant preoccupation, the heart of his thesis, the key to all his political doctrines.

#### THE COMMUNITY AND POLITICAL POWER

In the new commonwealth, while natural law is still the final criterion of right and wrong, the community is sovereign. It is the

<sup>6</sup> Locke believes that the state of nature has actually existed. In his opinion, it still exists today among independent states: "All princes and rulers of independent governments all through the world, are in a state of nature." *Ibid.*, § 14; see also § 145.

<sup>7</sup> Hobbes' social contract surrenders man completely to the government; Rousseau's surrenders him completely to the community.



depository of all authority. To its associate members, acting on the principle of majority, belongs the right to choose the government, as well as the right to resist and overthrow it, in the name of that same natural law, which positive enactments may never ignore or amend or abrogate. "There remains in the people a supreme power to remove or alter the legislative, when they find the legislative act contrary to the trust reposed in them."<sup>8</sup> *A fortiori*, this holds for the other branches of government. Locke makes it clear that despotic power is not to be identified with political power. Only the latter is valid and legitimate. It is the power that all men had individually in the state of nature but subsequently shifted to the community and therein to the governors "with the express or tacit trust, that it shall be employed for their good and the preservation of their property."<sup>9</sup> Government is the trustee, the community is both the creator and the beneficiary of the trust. The trustee has nothing save duties toward the beneficiary.

Political power includes the power to make laws, the power of war and peace, the power to execute the laws. Legislative power, the most important, "is that which has a right to direct how the force of the commonwealth shall be employed for preserving the community and the members of it."<sup>10</sup> The power of war and peace, otherwise termed "federative," is the power to deal with other states or with persons outside the community. The executive power, inclusive of the judiciary, is the power that sees to the execution of the laws that remain in force. Locke notes that the federative and executive powers, though in themselves distinct, are almost always lodged in the same persons. As to the legislative power, he insists that, in a well-ordered commonwealth, this should be separate from the others and entrusted to different persons: if the same persons have the authority to make and to execute laws, there is danger that they exempt themselves from obedience to their own enactments, and suit the law, both in its framing and its execution, to their selfish advantage. Locke adds that there is no need for the legislative power to be always in session, since there is not always business to transact. Lawmaking, he says, takes little time.

<sup>8</sup> *Ibid.*, § 149.

<sup>9</sup> *Ibid.*, § 171.

<sup>10</sup> *Ibid.*, § 143.

## DESPOTIC POWER

Despotic power is "an absolute, arbitrary power one man has over another, to take away his life whenever he pleases, and this is a power which neither nature gives, for it has made no such distinction between one man and another, nor compact can convey."<sup>11</sup> Despotic power is tyrannical power; it is usurpation. It comes into being when one (the legislator or the prince) uses force to achieve unjust ends, or makes his will the law. "Wherever law ends, tyranny begins."<sup>12</sup> No one, petty officer or king, has the right to disregard the bounds of authority. Should this happen, should the legislative or the executive power, either of them, act contrary to its trust, the people are freed from obedience. They "are left to the common refuge which God hath provided for all men against force and violence."<sup>13</sup> Power returns to them. They resume their original liberty. In the name of natural law they again become masters of their fate. They may even resort to force to defend their natural rights and to establish a new government that will provide safety and security. Thus rebellion, insurrection, civil war are justified against those who were to have been the protectors and guardians of law and peace but proved instead invaders, thieves, ravagers.

Locke is usually calm and dispassionate in making his points. But on this particular question his voice becomes vibrant, metallic, tense. He is under the stress of a powerful emotion that does not, however, impair the force of his arguments but rather makes them burst forth, bulletlike, straight to the target. Here Locke answers those who object to his doctrine as a threat to the peace of the world:

They may as well say . . . that honest men may not oppose robbers or pirates, because this may occasion disorder or bloodshed. If any mischief comes in such cases, it is not to be charged upon him who defends his own right, but on him that invades his neighbor's. If the innocent honest man must quietly quit all he has for peace sake to him who will lay violent hands upon it, I desire it may be considered what a kind of peace there will be in the world which consists only in vio-

<sup>11</sup> *Ibid.*, § 172.

<sup>12</sup> *Ibid.*, § 202.

<sup>13</sup> *Ibid.*, § 222.

lence and rapine, and which is to be maintained only for the benefit of robbers and oppressors. Who would not think it an admirable peace betwixt the mighty and the mean, when the lamb, without resistance, yielded his throat to be torn by the imperious wolf? Polyphemus' den gives us a perfect pattern of such a peace.<sup>14</sup>

### LOCKE'S INCONSISTENCY

When one recovers from this dramatic passage and coolly peruses the second treatise, Locke's concern for the containment of state power appears in a more sober perspective. There is no denying his honest passion for life and liberty; but he places on the same level as life, which is an absolute right, the right to one's possessions, which is not so perfectly constituted and absolute. One always has a right to life versus the state. Not even the safety of the state may be bought directly at the price of an innocent person's life. But the natural right to private ownership must be subordinated to no small extent to the public interest. The state has much more than the duty to protect private possessions accumulated in the state of nature by some of its members. It has the right and the duty to inquire into the manner of their accumulation. It has further the right and the duty to see to an equitable and proportionate distribution, according to the principles of social justice, of national and private wealth.

This Locke denies, despite certain texts to the contrary, for he is not always consistent. His natural men enter political society divided into two classes: the wealthy and the poor. His state may easily degenerate into an instrument of exploitation. For, in his insistence on the protection of the natural right of property on the one hand and his defense of "free enterprise" significantly coupled with a plea to stop "competitors with us for the sea" on the other hand, he creates a commonwealth for the perpetuation of a condition favoring only a minority (in Locke's England, the propertied aristocracy of the Whigs). One may even honestly doubt whether in Locke's commonwealth there is a place, say, for the members of the laboring class: whether they are or will ever be full citizens or have a right to be. Thus Locke saps the very essence of both state and political power, which, in the true view,

<sup>14</sup> *Ibid.*, § 228; see entire chapter XIX, "Of the Dissolution of Government," §§ 211-243.

exist only for the welfare of all, not for the selfish benefit of the few. It is commonly said that Locke's primary aim is the reconciliation of the citizen's liberty with the political order, that he championed the independence of the individual. But while his defense of man's life and liberty against the encroachments of the state is commendable, one must take exception to his refusal to allow the state to make man's economic activities consonant with the collective good. The state, as the promoter of the common good, cannot relinquish its function (of regulating economic activities) to private enterprise and, still less, to the free play of economic forces. Class warfare would be the inevitable result and man's fundamental rights would lay hopelessly open to abuse and violation.

Perhaps Locke did not realize the ambiguity of the moral and social implications of several of his postulates. Perhaps he failed to see the contradiction inherent in two of his fundamental premises: (1) men have equal natural rights; (2) men have an equal natural right to unlimited and unchallenged proprietorship. But the ambiguity and the contradiction are there. To no small extent they make Locke's political system confused and inadequate.

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## CHAPTER XVIII • *Montesquieu*

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### LIFE

CHARLES LOUIS DE SECONDAT, Baron de La Brède et de Montesquieu, was born at the castle of La Brède, near Bordeaux, on January 18, 1689. From 1700 to 1711 he attended the Oratorian school at Juilly and afterward, following family tradition, studied law. In 1714 he entered the judicial career and was appointed counselor at the parliament (high judicial court) of Bordeaux. In 1716, upon the death of his uncle, the Baron de Montesquieu, he inherited his title, his rich estate, and the office of president (head-judge) of the Bordeaux parliament. Thereafter the young La Brède was known as Baron de Montesquieu. That same year his wife, Jeanne de Lartigue, a Calvinist whom he had married in the Catholic rite in 1715, presented him with a son. In Bordeaux, Montesquieu became a member of the local Academy, to which he contributed several papers on philosophical and scientific topics.

In 1721 he published anonymously *Les Lettres persanes*, a pungent satire of the frivolous French society of his day. The book, which immediately became a best seller, contains the letters exchanged between two Persians traveling abroad and their friends in Asia. The travelers report their impressions of the customs, the people, and the political and religious institutions of



Europe and are kept informed of the happenings at home. Many of these letters acquaint the reader with the spirit of the Regency<sup>1</sup>—its air of elegant corruption, its cold and refined impudicity, its oblique smile, its quest for titillating scandals. *Les Lettres persanes* is the book of an old man, one would say at times, a man of great intelligence and subtlety but cynical and almost passionless. And yet, in this work, another Montesquieu is discovered—the philosopher, the sociologist, the earnest student of politics concerned with the idea of justice and liberty, the origin of societies, the dynamics of the various forms of government.<sup>2</sup>

It soon became known that Montesquieu was the author of this strange work. His literary fame assured, he sold his office in the parliament of Bordeaux and moved to Paris, where he continued his social and literary studies and published several other books. In January 1728, he made a solemn entrance into the French Academy and then started a long journey through Europe. In May of that year he was in Vienna, in August in Venice, in September at Rome. During his four months in Rome he met the Protestant pastor Jacob Vernet, who later assisted him in the publication of *L'Esprit des lois*. In the fall of 1729, Montesquieu was in England for an eighteen-month sojourn. He was shown the utmost respect and felt in turn much admiration for the English way of life and political institutions. Undoubtedly his stay in England had a great deal of influence on the development of his political thought.

In 1731 Montesquieu returned to La Brède. In the quiet of his country retreat he wrote *Considerations on the Greatness and Decline of Rome*, an important essay on the philosophy of history that, though not equal to, compares well with Bossuet's and Vico's works on the subject. This book, divided into twenty-three chapters and published anonymously in Amsterdam in 1734, treats the history of Rome from its beginning to the end of the Western Empire. The Romans attained unsurpassable greatness with their love

<sup>1</sup> Upon his death in 1715, Louis XIV was succeeded by his great grandson Louis XV, a boy of five. During the minority of the young king, France was governed by a regent, Philip II, Duke of Orleans (1674-1723), and by his all-powerful minister Dubois, future archbishop of Cambrai and cardinal. The years of the Regency (1715-1723) mark one of the most corrupt periods in French history.

<sup>2</sup> See Letters 94, 102, 103, 131.

for liberty, discipline, and work; their perfect military organization; their dedication to the common good; their confidence in the destiny of Rome; their sense of justice; their respect for the customs and institutions of the peoples they defeated and conquered. Their decadence was due, on the other hand, to the over-extension of state boundaries, wars in foreign lands and at home, the proscriptions of Sulla, the division of the Empire.

After completing this work, Montesquieu devoted himself to what was to be his masterpiece. Its first ten books had already been prepared between 1724 and 1728. In June 1747, *L'Esprit des lois* was finished. It appeared in Geneva, in two volumes, in November 1748, without the name of the author. But everyone knew who he was.

During the last years of his life, Montesquieu suffered from cataracts and almost completely lost his sight. Toward the end of 1754 he went to Paris. He died there, probably of pneumonia, on February 10, 1755, after having received the last rites of the Church. Before administering them, the priest addressed him: "See, Sir, how great God is"—to which Montesquieu answered: "Yes, and how small men are." He was buried in the church of St. Sulpice, but his body disappeared during the revolutionary agitations of 1793.

### L'ESPRIT DES LOIS

The full title of Montesquieu's major work, as it appears in the original editions, capsules its general idea and purpose: "About the Spirit of the Laws, that is, the relation that the laws must have to the constitution of each government, to customs, to climate, to religion, to commerce, etc." A Latin phrase proudly follows the title: *Prolem Sine Matre Creatam* (A Child Created Without a Mother). Thus Montesquieu, who had worked on the book for actually twenty years but, as he said, virtually all his life, made it clear that he alone was the first to treat so vast a subject.

The thirty-one books of *L'Esprit des lois* can be divided into two sections (Books 1 to 20, and Books 21 to 31) or, following some old editions, into six parts. Part One, comprising the first eight Books, presents Montesquieu's theory of governments—the fundamental notion, so long and painstakingly sought, so jubilantly discovered, of the nature and the principle of each system of gov-

ernment and the relation of these to the laws. Part Two, Books 9 to 13, explains the theory of political liberty guaranteed by a distribution of powers. Laws are here considered in their relation to the defense, safety, and liberty of the state, as well as to the ways and means of government, such as public taxes and revenues. Part Three, Books 14 to 19, deals with the physical and moral causes of laws. These must conform to geographical factors (the configuration of the land, its climate, its size) and to the mentality or general spirit of the respective peoples and nations. Part Four, Books 20 to 23, shows the connection between laws and economic matters. Part Five, Books 24 to 26, is concerned with laws in their relation to religion and other specific domains. The last part, Books 27 to 31, a sort of appendix, concentrates on several historical and legal questions (Roman laws of succession, origin of French laws, Frankish feudal laws and their relation to monarchy) and advises how laws ought to be made and applied.

There are four essential points to Montesquieu's political doctrine: the theory of the laws in general, the theory of governments, the theory of political liberty based on the separation of powers, and the theory of the "general spirit."

### THE THEORY OF LAWS

"Laws, in their most general signification, are the necessary relations arising from the nature of the things."<sup>3</sup> They are universal, and therefore uniform even in their diversity, and constant even in their changes. There are various kinds of laws. The fundamental are the laws of nature, the laws that "derive their force entirely from our frame and existence"<sup>4</sup> and are received by man before the establishment of society. They result from man's awareness of his weakness. Montesquieu mentions among them religion, self-preservation, peace, and sociability. It is interesting to note Montesquieu's admission of the existence of laws prior to the issuance of positive laws. "We must acknowledge relations of justice antecedent to the positive law."<sup>5</sup>

As soon as man enters into a state of society, he loses his

<sup>3</sup> *The Spirit of the Laws*, I, 1. Selections from *The Spirit of the Laws* are taken from the translation of Thomas Nugent (revised by J. V. Prichard), published by George Bell and Sons (London, 1878).

<sup>4</sup> *Ibid.*, I, 2.

<sup>5</sup> *Ibid.*, 1.

sense of weakness; equality ceases, and at least potentially a state of war begins—a state of war between nations, a state of war between individuals. This gives rise to human laws, man-made laws, classed by Montesquieu as the law of nations (relating to the mutual intercourse of nations both in peace and war), political or constitutional law (concerned with governors and governed, defining their mutual rights and duties), and civil law (determining relations between the individual members of society).

In his general treatment of law, Montesquieu, despite his beautiful phrasing, is more brilliant than deep. He seems not to relish the ground of pure philosophy. He draws the impressive lines of a vestibule, the stately pillars of a portico, but then rushes ahead. He says however, clearly enough, that law in general is human reason, while political and civil laws are applications and adaptations of human reason in particular cases. These applications and adaptations are necessarily variable, for positive laws must conform to different situations and conditions; so much so that "it should be a great chance if the laws of one nation suit another."<sup>6</sup> But even in their various adjustments, the laws are uniform and constant if only in the sense that they always take into consideration certain basic factors. Such factors are the nature and principle of each government; the climate of each country, its location and size, the quality of its soil; the religion and occupation of the citizens; the degree of liberty of which they are capable; their wealth and commerce, as well as their traditions, manners, and customs, in a word, their mentality or characteristic spirit. In addition, positive laws must be so interrelated as to form a co-ordinated and well-balanced legal system. These various necessary relations, which Montesquieu examines in detail, together constitute what he terms "the spirit of laws."

#### THE THEORY OF GOVERNMENTS

Of all the relations that positive laws must bear to the nature of things, no other is more important than that deriving from the structure and principle of each government. Montesquieu is very proud of this discovery that he claims exclusively as his own. "Many times I have started, and many times I have abandoned

<sup>6</sup> *Ibid.*, 3.



my work; but when I discovered my principles, all that I was seeking came to me." The laws, he states further, flow from these principles as from their source.

His theory of the systems of governments has three parts. First, he distinguishes the forms of government; second, he explains the nature of each form and inquires into the laws that directly conform to this nature; third, he investigates the central principle or motivating spring of each form and shows which laws relate to that principle.

Abandoning the traditional classification, Montesquieu divides the government system into three major types: republican, monarchical, and despotic. Republican government he subdivides into democracy and aristocracy. In every government one must carefully distinguish the nature and the principle. "There is this difference between the nature and principle of government, that the former is that by which it is constituted, the latter that by which it is made to act. One is its particular structure, and the other the human passions which set it in motion."<sup>7</sup>

The nature of each government is made clear by its definition. Thus

a republican government is that in which the body (democracy) or only the part (aristocracy) of the people, is possessed of the supreme power; monarchy, that in which a single person governs by fixed and established laws; a despotic government, that in which a single person directs everything by his own will and caprice.<sup>8</sup>

In the democratic government, since the people are in some respects the sovereigns and manifest their will through their suffrages, the fundamental laws establish the right of suffrage: how, by whom, and when it is to be exercised. Such laws also determine the functions to be left to the people and those to be entrusted to their representatives, the magistrates or ministers elected by them. There are things the people are unable to do or to manage. This inability may concern the very thing to be performed or administered, or the manner in which it is to be done or conducted.

The public business must be carried on with a certain motion, neither too quick nor too slow. But the motion of the people is always either too remiss or too violent. Sometimes with a hundred

<sup>7</sup> *Ibid.*, III, 1.

<sup>8</sup> *Ibid.*, II, 1.



thousand arms they overturn all before them; and sometimes with a hundred thousand feet they creep like insects.<sup>9</sup>

At the same time Montesquieu believes in the people's ability to choose those upon whom the direction of the public business is to devolve.

They can tell when a person has fought many battles, and been crowned with success; they are, therefore, capable of electing a general. They can tell when a judge is assiduous in his office, gives general satisfaction and has never been charged with bribery; this is sufficient for choosing a praetor.<sup>10</sup>

Likewise, it is fundamental to democratic republics that the people have the sole power to enact *laws*. However, Montesquieu maintains that the assemblies or senate should be allowed to issue *decrees* binding until they become permanent laws through proper ratification by the people.

In the aristocratic republic, where supreme power is lodged in the hands of a certain group of citizens, the fundamental laws establish the number of persons forming the governing class. If these are many (the more the better), there must be a law providing for a senate or council empowered to act when the entire body of nobles is incapable of a decision or, at least, to prepare the entire body for a decision. To prevent abuses the senate should not be granted the right to choose its own members, and the term of the legislators and magistrates must be of short duration. Most important of all, in every kind of aristocratic republic, aristocratic families should tone down rather than emphasize any class distinction to level themselves, as much as possible, with the people. "The more an aristocracy borders on democracy, the nearer it approaches its perfection."<sup>11</sup>

In a monarchy, where the prince is the source of all power, political and civil, the essential laws establish and regulate the intermediate channels of the supreme power: the nobility, the clergy, the municipal corporations. Their well-defined prerogatives and functions will act as barriers to an overflow of the monarch's authority. They prevent the prince from becoming arbitrary and whimsical. Not satisfied with these intermediate powers, Montesquieu requests a distinct, strong judiciary body, constituted by

<sup>9</sup> *Ibid.*, 2.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*, 3.

the judges of the supreme court of justice, responsible for the promulgation, custody, and defense of the laws of the land.

In a despotic form of government, where one alone rules unrestrained, according to his caprice, the fundamental law is that the execution of the despot's power be committed to a single person. If the power were committed to many, there would be intrigues and jealousies and the despot would have to take things again into his own hands. Only when he entrusts the cares of government to one alone is the despot (a lazy, voluptuous, and ignorant ruler) able to give himself undisturbed to his most brutal passions and capricious extravagances.

As to the principles of governments, probity is the lifeblood of a democratic republic. By probity Montesquieu means civic virtue, a universal sense of moral rectitude, whereby each citizen is so devoted to the state as to sacrifice to the common interest his selfish inclinations, his tendencies to undisciplined behavior, his personal ambitions and cupidity. Without probity a democracy is doomed, for democracy is popular government, government by the greatest number; and if corruption, selfishness, avarice, love of opulence and luxury (all things contrary to probity) are rife, the state is certainly lost. As a consequence, the laws of a democracy should foster virtue, that is, frugality, austerity of life, equality in wealth, public morality, and forbid not only vice but even the semblance of vice.

The central principle of aristocratic government is moderation or restraint in those who command. Only in this way is the equality re-established that the constitution has necessarily removed. Accordingly, the laws must aim to prevent or repress all gross inequalities between rulers and subjects. There should be no discrimination for marriage; taxes should be levied according to wealth, while wages and salaries should be proportioned to need.

The central principle of monarchy is honor or ambition—the aspiration to social preferments, the desire for recognition and reward, the gratification of self-love by the bestowal of a title, a dignity, a rank. In such a government, clearly reminiscent of French life under Louis XIV, all eyes are fixed on the king, the generous dispenser of favors. The shallow and fragile foundation assigned to monarchy requires laws defining the social standing of the various classes, skillfully scaling their privileges and honors, exactly doling out their measure of glory and applause.

The central principle of despotic government is fear. Under such a system man is a creature who submits blindly to the absolute will of the sovereign. "Man's portion here, like that of beasts, is instinct, compliance, and punishment."<sup>12</sup> Consequently, the laws directed by fear to breed fear are few; and they are all uniform, repressive laws. Their aim is to break even the desire to contradict so as to produce instant and passive obedience. When you instruct a beast, says Montesquieu (with an understanding of despotism that his hatred for it renders amazingly clear), you take good care not to change the master, the lessons, the method; you beat his brains by two or three motions, and no more.

#### THE THEORY OF POLITICAL LIBERTY

In a celebrated discussion, Montesquieu treats of those laws that establish political liberty as it relates to the constitution. Briefly, this is how he states his theory: political liberty does not consist in unlimited freedom but in the right to do what the laws permit. "If a citizen could do what they forbid he would be no longer possessed of liberty, because all his fellow-citizens would have the same power."<sup>13</sup> Such liberty is found only in moderate governments, that is, in governments where the power is restricted, subject to limitations; and, even in these, only when there is no abuse of power. Since experience teaches that every man invested with power is apt to abuse it, a way must be found to prevent this corruption. This is the way: let power be a check to power. Instead of a single and concentrated power, there should be a certain distribution of separate powers, each acting as a check and balance on the other. These separate powers are the legislative, the executive, the judiciary. In virtue of the first, laws are enacted; in virtue of the second, all legislative enactments are executed and enforced; in virtue of the third, crimes are punished and the disputes between individuals judged and settled. "There would be an end to everything, were the same man or the same body, whether of the nobles or of the people, to exercise those three powers."<sup>14</sup>

Having stated the theory that first introduced the now common classification of powers, Montesquieu shows it at work in the English constitution. In England the government runs well because

<sup>12</sup> *Ibid.*, III, 10.

<sup>13</sup> *Ibid.*, XI, 3.

<sup>14</sup> *Ibid.*, 6.

of the interplay of its elements—the people and their elected magistrates, the nobility, the king. None of these organs possesses all the power; each possesses certain definite limited power; all are interrelated and interlocked, mutually checking, mutually balancing and, by the necessary movement of things, forced to avoid deadlock and to join in a concerted motion. It is true that even in the middle of the eighteenth century the British constitution was far from working in the manner described and praised by Montesquieu; but he well expressed its spirit. It may be added that Montesquieu's ideal of political liberty, both as to spirit and actual workings, was later fully realized in the American constitutional system.

#### THE NOTION OF THE GENERAL SPIRIT

There is in every nation a moral element that the laws must never forget or disregard. This moral element, a product of the morals, manners, customs, standards of each people, a mixture of virtues and vices proper to each nation, Montesquieu calls "the general spirit." So strong is this dominant character or mentality that in certain domains it is more powerful than law. Therefore, the legislator must be extremely circumspect lest he attempt, through legislation, to change the general spirit of a country. New laws may be used to change or reform what previous laws command, never to change or reform what custom or immemorial usage has sanctioned. This, if deemed necessary, shall be done by the gradual introduction and strengthening of new customs and standards.

#### AN APPRAISAL

It is not easy to understand and appraise Montesquieu's political philosophy. He covers so much ground, he walks so many avenues and lanes, he probes into so many ideas and institutions that those who try to follow him find themselves, not infrequently, lost and bewildered. A man of prodigious intelligence and vast erudition, Montesquieu often forgets that what he has grasped requires further explanation for his listeners. He once compared himself to an antique-dealer who left his country, arrived in Egypt, looked at the pyramids, and rushed back home. Undoubtedly,



even a quick journey could teach much to Montesquieu, but it is a pity that in reporting his impressions and findings he moves at his own breathless pace. It becomes difficult at times fully to understand or to reconcile certain of his points.

In his theories of the laws and the general spirit and to a limited extent in the theory of governments, Montesquieu is a realist, free of prejudice and dogma. Experience, and not a prefabricated system, is his guide. He draws freely on examples from history, ancient and modern; he invariably tests his principles against the facts of the social and political environment. He does not say: this is the best law, this is the best government. He makes everything relative, contingent upon general conditions, physical and moral, in this or that particular country. He pays constant and special attention to what custom and tradition have sanctioned. Indeed, his principle of legitimacy is based on the test of reality and the primacy of experience.

Yet history, which he knew so well, does not bridle his excessive optimism. Montesquieu trusts human nature too much, he has too much confidence in man's reason. Perhaps he was preoccupied with refuting Hobbes' pessimistic belief in man's anti-social and beastly instincts. But Montesquieu goes to the other extreme: he makes natural man entirely too meek, timid, and peace loving; he blames society for the introduction of inequality and war.<sup>15</sup> It is true that man is not so bad as Hobbes would have us believe. It is equally true that his passions strongly incline him to foolish and regrettable deeds.

Montesquieu's faith in human reason led him to imply that once the people have been given a good constitution and a proper political organization, everyone and everything in the state will be all right. A rational system is certainly vital, but it can work as it should only through the good will and cooperation of the individual citizens. This truth Montesquieu either forgets or minimizes. A true son of the Age of Enlightenment, he not only exaggerates the power of human reason but also considers right action the invariable corollary of right reasoning. Experience points to quite another conclusion, just as it shows that too great a reliance on the people's political wisdom may end in delusion.

Montesquieu also has great faith in himself. In his realistic

<sup>15</sup> Borrowed and emphasized by Rousseau, this idea became one of the fundamental principles of the latter's social and political philosophy.



mood, he declares that government best which best responds to the needs and conditions of a particular country. In his optimistic mood, he believes that he has found the best political system and he does not hesitate to recommend it as such for all nations and peoples. But in discussing his theory of political liberty the realistic Montesquieu goes full circle and becomes dogmatic, intransigent. He is so much in love with his ideal of liberty that he regards it not as a means but as an end in itself. Once liberty is attained, everything is gained. Nothing else matters, not even how reason is used. In a free nation, he says, it is immaterial whether the citizens reason rightly or wrongly; it suffices that they reason: this is liberty.

What is more, his very concept of political liberty is narrow and formalistic. Montesquieu mistakes a very important sign and effect of liberty (the right to do what the laws do not forbid) for liberty itself. True liberty consists, more essentially, in the right to make good laws; and good legislation is possible only when the majority of the citizens know what justice is, and reason well, and embody their sense of justice and their right reasoning in their laws. Furthermore, does Montesquieu believe that there are personal, inviolable rights, which even the law must respect? Probably. Unfortunately, he makes no mention of them.

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## CHAPTER XIX • *Rousseau*

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### LIFE

AT THE very beginning of his *Confessions*, Jean-Jacques Rousseau described himself as

a heart at once haughty and tender, a character effeminate, yet invincible; which, fluctuating between weakness and courage, vice and virtue, has ever set me in contradiction to myself; causing abstinence and enjoyment, pleasure and prudence, equally to shun me.<sup>1</sup>

This complex individual, "paranoiac and genius, poet and madman,"<sup>2</sup> was born at Geneva on June 28, 1712, into a family of French origins. His mother he never knew for she died in childbirth. His father, an ill-tempered, sentimental, and irresponsible watchmaker, fled from Geneva when Jean-Jacques was ten years old, leaving him to his mother's relatives. Rousseau was soon sent to a private school at Bossey, a nearby village. In 1724 he left or was expelled from the school and apprenticed to a Genevan notary. Dismissed almost immediately, in the spring of 1725 he

<sup>1</sup> *The Confessions of Jean-Jacques Rousseau*, trans. by W. C. Mallory (New York: Tudor, 1938), p. 15.

<sup>2</sup> J. Maritain, *Three Reformers* (New York: Scribner's Sons, 1955), p. 121.

went to learn the art of engraving in the workshop of a watch-maker. In 1728, tired—he claimed—of blows and harsh words but more probably of discipline and obedience, he ran away and roamed the countryside until at Annecy, in Savoy, he met the young and pleasant Madame Louise Eleonore de Warens.<sup>3</sup> She gave him shelter in her house and a place in her heart. But later, resenting his violent temper and his fits of jealousy, she managed to send him to Turin, the capital of Piedmont, there to study the Catholic faith. He did eventually embrace Catholicism, but without any inner conviction. After his conversion, Rousseau remained in Turin as footman to a Madame de Vercellis until the famous incident of the ribbon (when he cowardly blamed an innocent girl, a fellow servant, for his theft) cost him his post. Some time afterward, Rousseau was back in Annecy, warmly welcomed by Madame de Warens, who installed him in her house as her lover and encouraged him to study literature and music. But again there were frequent and bitter quarrels and more or less prolonged absences. Finally, in 1741, he left for good and journeyed to Paris, where he attached himself to a Madame Dupin. Recommended by her, he was engaged as secretary by the French ambassador to Venice. Rousseau lasted at this about eighteen months, taking little interest in his work and intensely disliking his employer. In 1745 he returned to Paris, became acquainted with Diderot's literary group, and took as his mistress Thérèse Le Vasseur, an illiterate servant at the inn where he was staying. They had five children, all sent anonymously to a foundling asylum.

As a means of livelihood Rousseau copied music. He also wrote an opera, *Les Muses galantes*, which was privately presented. In 1749 the Academy of Dijon offered a prize for an essay on the effect of civilization on morals. Rousseau won the contest. His essay, proclaiming the superiority of the savage state, was published in 1750 and made him famous overnight throughout France. As a result he was given the post of cashier in the receiver general's office, but he soon resigned and returned to his old trade of copying music. In 1752 his operetta *Le Devin du village* was presented at Fontainebleau. Its success brought him an invitation

<sup>3</sup> Madame de Warens, a Calvinist converted to Catholicism, was separated from her husband. In all probability she was a paid secret agent in the service of the king of Piedmont. See G. Mosca, *Storia delle dottrine politiche* (Bari: Laterza, 1945), pp. 226f.

to the court but he refused to go. That same year he sent a new essay, *Discourse on Inequality*,<sup>4</sup> to the Academy of Dijon.

In 1754 Rousseau was in Geneva. There he renounced Catholicism and re-accepted Protestantism. Back in Paris, in April 1756, at the invitation of Madame d'Epinay he went to live in the famous Hermitage near Montmorency. In its seclusion he wrote *La Nouvelle Héloïse* and had an affair with Madame d'Houdetot, Madame d'Epinay's sister-in-law, a married woman who also had another lover. Having quarreled with Diderot and Madame d'Epinay, he moved to Mont-Louis in the winter of 1757. There he wrote *Le Contrat social* (using the notes prepared while in Venice) and *Émile* or *De l'Éducation*, which were published in 1762. By this time his books had won him immense popularity. They had also brought the condemnation of the parliament of Paris. Warned by friends that he was about to be arrested, he fled first to Switzerland and then to the principality of Neuchâtel. There, his attacks on the archbishop of Paris and the council of Geneva soon made him unpopular. Feeling hunted, he repaired to St. Pierre Island in the lake of Bienne and, shortly after, at the invitation of David Hume, to England. Rousseau arrived in London on January 13, 1766. As restless and insecure as ever, he tired of the capital and left for Wootton in Derbyshire. The quiet country should have afforded him peace and comfort; but before long, true to form, he became suspicious of his English friends and quarreled even with Hume. In May 1767, he returned to France and lived here and there, half insane, tormented and tormenting, never at peace with himself or anyone else. Still, he continued his writing. He finished his *Confessions* (a book whose documentary value is highly questionable) and began *Les Réveries du promeneur solitaire*. At the beginning of 1778 he established himself in a cottage at Ermenonville. He died there on July 2, probably of an apoplectic stroke.

<sup>4</sup> For Rousseau the origin and foundation of inequality among men is property. The introduction of private property robbed man of the happiness and equality he enjoyed in the state of nature. "The first man who, having enclosed a piece of ground, bethought himself of saying *This is mine*, and found people simple enough to believe him, was the real founder of civil society." This idea was later borrowed and elaborated by Babeuf and Proudhon and, in general, by all socialist philosophers.

## POLITICAL WRITINGS

Rousseau's political thought is contained in his *Discourse on Inequality*, in his essay on *Political Economy*, written for the *Encyclopédie*, and in his *Social Contract*. There are further references to politics in the fourth book of *Émile*; and in the sixth of his *Letters Written from the Mountain* he summarized the arguments of the *Social Contract*.

It has been customary to attribute to Rousseau two main political ideas and to find them essentially different and even antithetic. It has in fact been said that there is a complete contradiction between the idea of the *Discourse on Inequality* and the idea of the *Social Contract*: the former is the antisocial, individualistic, liberal idea, based on the "return to nature" and the illegitimacy of society; the latter, the social, antiliberal, bureaucratic idea, which extols society and political organization while stripping man of all rights and freedoms. How can pure liberty be reconciled with pure tyranny? How can a system wherein man exists solely as a person be logically bridged to a system wherein man exists solely as a part of a social whole?

In reality there is no fundamental contradiction. In the *Discourse*, Rousseau traces the origins of social organization as it actually exists to the gradual degeneration of man as the result of the introduction of private property and the perverse desire of the rich and powerful few to keep the masses in poverty and subjection.<sup>5</sup> This explains Rousseau's emphasis on primitive man's equality and his romantic declamations in praise of the noble savage wandering alone, free, uninhibited, content, in his semi-animalistic state, with food, an occasional female companion, and sleep. Realizing, however, that a literal "return to nature" is impossible (and he never had it in mind except as a poetic dream), Rousseau in the *Social Contract* presents a system whereby the corrupt, historical state may be so purified and re-organized as to serve the good of all and restore to men their pristine liberty and equality. Whether his solution of the political problem is the right

<sup>5</sup> The underlying idea of the *Discourse* is that the state, as originally established, is nothing but an instrument of exploitation, an unjust means of favoring a minority and keeping the *have-nots* in chains. The philosophy of modern collectivism is based on this very principle.



one or not is highly debatable, to say the least. It might even be argued, and reasonably, that his treatment of the problem has gaps and inconsistencies. The fact remains, however, that the two underlying ideas of his entire political thought can be easily reconciled. His general thesis may be summarized in this way: man must return to nature, that is, to virtuous and simple living; man must again become free and equal. In existing conditions, this is possible only in a state where the people are sovereign and through their general will give themselves just laws and closely watch the government they have chosen—limiting, modifying, and taking over its powers whenever they like.

### THE SOCIAL PACT

In the Note prefixed to Book I of the *Social Contract*, Rousseau states that it is his wish "to discover a legitimate and stable basis of Government."<sup>6</sup> This basis is not force, not the natural authority of the patriarch or of any born leader, not the natural sociability of man. The sole legitimate foundation of the social obligation is its free, unanimous acceptance by all concerned. Having reached a point in history where the original state of nature<sup>7</sup>

<sup>6</sup> *The Social Contract*, I, Note. Selections from *The Social Contract* are taken from the translation by G. Hopkins published by the Oxford University Press (London and New York, 1952).

<sup>7</sup> According to Rousseau, man passed through several stages of development. Man in the *real* state of nature is a nonrational animal, living purely on instinct, incapable of sentiments of admiration and love; but, like other animals, he has a sense of pity. In reality, as Mercier remarks, this is "not *man* at all, but an *ante-homo sapiens*, an animal still devoid of reason." It is to him that Rousseau refers when he says in his discourse *On the Origin of Inequality*: "A man who thinks is a depraved animal." The second stage is the status of rational primitive man: the stage of development of savages discovered by explorers and missionaries, the stage at which nature intended man to stay. Man in this stage is neither good nor bad, yet in it he is most happy: "Nothing is so gentle as man in this primitive state, when placed by nature at equal distances from the stupidity of beasts and the fatal lights of civic man, limited equally by instinct and reason to guarantee himself against the evil which threatens him, restrained by natural pity from harming anyone, even after being harmed by another." The third stage is that of civilized man—a stage that had its beginning in the introduction of family life, the differentiation of man's work and woman's, the establishment of community life, ambition, and love (love is an invention of women "to make dominant the sex which should obey"), and

could no longer endure, men were forced to develop some sort of central direction and to learn to act in concert. A problem ensued: how to pool, through some form of association, the whole strength of the community for the protection of the person and property of each individual member and, at the same time, leave to each his former freedom. The problem was solved by the social contract, whereby each associated individual completely and unreservedly surrendered to the community all his rights. The pact substitutes for the person of each of the contracting parties a moral and collective body composed of as many members as the constituting assembly has votes. None of the members retains any claim against the community. And yet, since through the act of association we acquire over every other member of the social group precisely the same rights we have surrendered to him, the pact results in our gaining "the exact equivalent of what we lose, as well as an added power to conserve what we already have."<sup>8</sup> Thus both liberty and obedience are assured: liberty, because as a citizen each is now a member of the sovereign, a sharer in the sovereign authority, and as such equally participates in the activities of the body politic; obedience, because as a subject he faithfully obeys the laws issued by the sovereign, that is, the body politic of which he is a member.

Rousseau's theory of the social pact is better understood when compared with the contractual theories of Hobbes and Locke. The three meet on common ground only when they consider the state a voluntary contrivance, a product of man's free choice exclusively. Rousseau's surrender is as complete and unreserved as Hobbes', while Locke's surrender is partial and limited. But Rousseau differs from Hobbes and agrees with Locke in making the surrender not to the government but to the community.

#### THE GENERAL WILL

Once the pact is actualized each member of the state has, so to speak, a dual personality. He becomes a constituent associate, a

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particularly in the institution of property. For a detailed treatment of man's evolution according to Rousseau, see L. J. A. Mercier, "Rousseau: A Discourse on Political Economy, On the Origin of Inequality" in *The Great Books*, ed. by H. G. Gardiner (New York: Devin-Adair, 1950), Vol. II, pp. 107-121.

<sup>8</sup> *The Social Contract*, I, 6.

citizen, a part of the sovereign people, a social being. He is also a man, an individual being. In the former capacity, he has chiefly rights; in the latter he has chiefly duties. As a citizen he wants only the general interest, the common good, and contributes to the making of the general will. This is not necessarily the will of all in a numerical, quantitative sense, but a will of a general intention, general in a qualitative sense, a "mythical" will able to grasp the true demands and fulfill the true needs of all. As a man, he retains his natural instinct; he looks after his personal, selfish interests; his individual will may be at variance with the general will.

Rousseau does not doubt that the general will is good and right, for "it is impossible that the body should wish to injure all its members."<sup>9</sup> The general will must therefore always take precedence and command over the individual will. This is an essential clause of the social pact. On it all have agreed. Everyone wants this condition fulfilled and should it happen that a subject refuses to obey the general will "he must be constrained by the whole body of his fellow citizens to do so; which is no more than to say that it may be necessary to compel a man to be free,"<sup>10</sup> that is, it may be necessary to force him, even by coercive action, to do what he really wanted, what he originally and *in perpetuum* declared to be his better will—the will of the body as a whole, the general will free of dependence on particular persons.

So far so good. It may be conceded that "in the silence of his passions" everyone wishes the general good. Theoretically, there may be a general will in Rousseau's sense. There is in all, at least subconsciously, the earnest desire to find it. But will the people always be able to cancel individual selfishness and infallibly carry the idea over into actual legislation? Is the will of the majority the organ of the general will? If not, where is one to look, at times at least, for another organ? Suppose the majority of the people becomes blind and dumb and the general will speaks through the voice of a lone man or of a small minority: what guarantees are there, in such cases, that it will win over the selfish will of the majority? These and similar questions occurred to Rousseau, and he tried hard to find the right answers. But his answers are not always satisfactory.

<sup>9</sup> *Ibid.*, 7.

<sup>10</sup> *Ibid.*

## SOVEREIGNTY

In Rousseau's state the people, expressing through laws the general will, are sovereign. Sovereignty is, therefore, the exercise of the people's will. As such it has four characteristics: it is inalienable, indivisible, infallible, absolute.

1. "I maintain that sovereignty can never be alienated and that the sovereign, who is a collective being only, can be represented by no one but himself." <sup>11</sup> As soon as sovereignty is alienated to a master, the general will is no more. There remains only an individual will bent naturally to privilege and to private interest and not to equality and general interest. Likewise, just as soon as the people agree to be represented by deputies, they cease to be sovereign. They chain themselves, which is absurd.

2. "For the same reason that sovereignty is inalienable, so, too, it is indivisible. For either the will is general or it is not." <sup>12</sup> To divide sovereignty in its principle is to kill it. But even to divide it only in its object—to divide it into separate, independent parts or co-equal branches—is fatal. The sovereign authority has different manifestations but no separable parts. Rousseau admits the delegation of executive functions to special agents, but these must always remain subordinate to the sovereign people.

3. "The General Will is always right and tends to the public advantage." <sup>13</sup> Rousseau has to admit that the people can be deceived and that at times their decisions might not be right; but in these cases, he imperturbably adds, what the people will is not the general will. "The General Will does not then come into play at all." <sup>14</sup> This is bound to happen when the people are poorly or ill informed, or when, instead of each citizen's voting individually, intriguing and factional groups are formed within the body, or when one partisan group becomes so large as to overpower the others. Therefore, if the general infallible will is to be truly expressed, not only must the people be enlightened but "it is essential that there be no subsidiary groups within the State, and that each citizen voice his own opinion and nothing but his own opinion." <sup>15</sup>

<sup>11</sup> *Ibid.*, II, 1.

<sup>13</sup> *Ibid.*, 3.

<sup>15</sup> *Ibid.*

<sup>12</sup> *Ibid.*, 2.

<sup>14</sup> *Ibid.*



4. As to the range of sovereign power, Rousseau discusses it rather confusedly in Chapter VI of Book II. The two points of view there expressed—personal individualism and democratic absolutism—seem irreconcilable. Anticipating the reader's surprise, Rousseau brushes away the apparent contradiction by blaming "the poverty of human language." But at one point he is clear. After having stated that, as a result of the social compact, what each man alienates of power, property, and liberty is only as much as concerns the well-being of the community, he adds significantly: "It must be admitted that the sovereign alone can determine how much, precisely, this is."<sup>16</sup> Yes, there are limits to Rousseau's sovereign power, but only those that the state deems it wise to set. Such a sovereignty, allowed to fix its own boundaries, is nothing short of absolute.

### THE LAW

According to Rousseau, law is the expression of the general will. It is made only by the whole body of citizens. It is an incommunicable right, a right of which they cannot divest themselves. A law worthy of the name, then, is made by the whole body of the people and is valid for all alike. Therefore, the matter of the law must be general, that is, concerned with the subjects of a state taken as a whole and with actions treated purely in the abstract. "It is not the function of the legislative power to concern itself with specific actions."<sup>17</sup> Should the law decide, for instance, that there shall be privileges, "it is not its business to assign those privileges to actual individual men and women."<sup>18</sup>

Rousseau has deep respect for the law. For him it is invariably right, sacred, and inviolable, like the general will of which it is the expression. The entire body of the people is incapable of unjust legislation, for "no man is unjust to himself." Yet, Rousseau repeats, the people do not always know where good lies. "The General Will is always right, but the judgment guiding it is not always well informed."<sup>19</sup> The people must, therefore, be made to see things as they are, they must be shown how to attain the good they seek, they must be protected and guided. Suddenly, on the level horizon of Rousseau's democracy, a strange figure emerges. It

<sup>16</sup> *Ibid.*, 4.

<sup>17</sup> *Ibid.*, 6.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*



looms larger and larger—until it stands on the platform of history, a giant dominating the multitudes assembled below. Unexpectedly for some, inevitably for others, Rousseau has brought forth “the legislator,” the extraordinary figure in the state, the guide of the people, the wise, inspired individual who suggests and proposes what will ensure their happiness. True, he is not the sovereign and has not the power to make laws, his proposals becoming laws only when approved by the people. But the disturbing fact is that out of nowhere a *deus ex machina* has appeared to tell and lead the people where they ought to go. At this point the already very short distance between democracy and totalitarianism shrinks to the space of a sigh.

### THE GOVERNMENT

According to Rousseau the general will is expressed only through law—an enactment of the entire body on a general matter—and never through decisions affecting details or concrete applications of principles. The entire body politic is alone responsible for the making of laws, for the power to legislate is and must remain exclusively the people's. On the other hand, the people entrust the executive power (the power concerned only with particular acts) to the government, that is, to a definite group charged with the execution of the laws and the maintenance of liberty. Notice the special meaning that the term “government” acquires in Rousseau. Government for him is solely the legitimate exercise of what is usually termed the executive and the judiciary power. An intermediate power, it stands midway between the sovereign people (the body politic in its active role of citizens) and the state (the body politic in its passive role of subjects). The government receives from the people as sovereign the orders which it passes on to the people as subject. The sovereign wills, the government acts. The latter is the practical strength at the service of the will.

The government is also a subordinate power existing, both as to form <sup>20</sup> and individual incumbents, at the people's discretion.

<sup>20</sup> For Rousseau's classification of governments (democracy, aristocracy, monarchy), see *ibid.*, III, chaps. 3-7. The classical division is represented but with an essentially different meaning. The machinery of government may be in the hands of the whole people (a form fit for “a nation of gods” but not suited to “mere men”). Or it may be in the hands

It is established through a law, not through a contract. There is only one contract in Rousseau's state—the primitive contract that established society and created the sovereign. "The State exists in and by itself, government depends for its being on the Sovereign."<sup>21</sup> "Such power as he [the prince, the ruler] has is but the power of the community concentrated in his person."<sup>22</sup> Therefore, "those who hold the executive power in trust are not the people's masters but its officers; the people can appoint and remove them at will; for them it is a question not of contract but of obedience."<sup>23</sup>

### RELIGION

The *Social Contract* ends with a revealing chapter on religion. Rousseau discusses "how religious institutions may fit into the constitution of the State" and distinguishes three forms of religion: the religion of man as man, the religion of the citizen, the religion of the priest. The priestly religion, whether that of the lamas, or the Japanese, or Roman Christianity, is "so obviously bad that to demonstrate the fact, though it might be amusing, would be merely a waste of time."<sup>24</sup> The religion of the citizen, the religion of the ancient city, founded on the law of exclusion, is likewise to be rejected, for it is a national religion, characterized by fanaticism, hatred, intolerance. The religion of man as man, "without temples, without altars, without rites, strictly limited to the inner worship of the Supreme God and to the eternal obligations of morality, is the pure and simple religion of the Gospels."<sup>25</sup> It is theism in its truest form. Through it, men, as children of the same God, regard each other as brothers. But even this religion, good in itself, is of

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of a small number of magistrates (to be periodically elected, if one wants the best form of government among men). Or it may be in the hands of a single magistrate from whom all other officials derive power (a very vigorous but extremely dangerous form because "only a Hercules can carry the weight of the world upon his shoulders" and "bad men do mount the throne, or perhaps it is that the throne makes them bad"). But in each and every case it is always the people as a whole who retain the legislative function. Government in any form is always responsible and answerable to the people.

<sup>21</sup> *Ibid.*, III, 1.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*, 18.

<sup>24</sup> *Ibid.*, IV, 8.

<sup>25</sup> *Ibid.*

no help to the state. It adds nothing to the force of the laws; by detaching the citizen from all purely earthly concerns, it weans him from the state.

Having thus eliminated these three types of religion, Rousseau presents his civil religion, a religion that deepens man's social consciousness and cements him to the society issued from the social pact, a religion without which it is impossible to be a good citizen and faithful subject. Let the citizen believe whatever dogma he likes; yet, let the sovereign fix certain principles for this civil religion, particularly the existence of God, the reality of a life to come, the reward of the just and the punishment of the evildoers, the sacredness of the social contract and of the laws. None should be compelled to believe; but those who fail to do so may be banished from the state "not on ground of impiety, but as lacking in social sense." Moreover, "any man who, after acknowledging these articles of faith, proceeds to act as though he did not believe them is deserving of the death penalty."<sup>26</sup>

On this shrill note of supreme intolerance, the *Social Contract* ends. No commentary could bring home more poignantly the reality of Rousseau's corporate Leviathan. The chains have not become legitimate. They have been doubled and redoubled. The great iconoclast has replaced God with a monster, the old dogma with a new and terrible one: outside the state there is no salvation. The new sovereign is more arbitrary, irresponsible, and capricious than the absolute king, for it is multiple and anonymous. Truly, in such conditions of unmitigated slavery, men are left no alternative but to accept the advice given by Rousseau on another occasion: let them throw themselves to the ground and lament the fact that they are men.

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<sup>26</sup> *Ibid.*

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## CHAPTER XX • *Burke*

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### LIFE

EDMUND BURKE was born in Dublin on January 12, 1729, to a Protestant father, an attorney, and a Catholic mother. He and his brothers were brought up in the Protestant religion while his sister followed her mother's faith.

In 1741 he was sent to school at Ballitore in Kildare County, and in 1743 entered Trinity College in Dublin. Burke, however, resented Trinity's rigid methods and discipline and received his degree in 1748 without any particular academic distinction. In 1750 he went to London and for ten years he lived in obscurity, consorting with Bohemian literary groups, practicing oratory in the debating societies of Covent Garden, trying his hand at writing on various subjects. Two of his books, published in 1756, one a satire (*A Vindication of Natural Society*), the other an essay on aesthetic thought (*Philosophical Inquiry into the Origin of Our Ideas of the Sublime and Beautiful*), attracted some attention both in England and abroad.

The year 1761 marked Burke's entrance into public life. He attached himself to Sir William Gerard Hamilton, a rather shallow, vain, and despicable individual, and followed him to Ireland when Hamilton was named secretary to the Lord Lieutenant there. English mismanagement in Ireland disgusted Burke and stirred



him to a warm, lasting interest in the affairs and defense of the Irish people. After two years he returned to London with Sir Hamilton. In 1765 they quarreled and parted company. That same year the Marquis of Rockingham, leader of the Old Whigs, became George III's fourth prime minister and took Burke as secretary. In 1766 Burke obtained, through his new patron, a seat in the House of Commons.

There were at the time two burning issues in English political life: the king's attempt to raze the system established by the Revolution of 1688 and concentrate national power in his own hands, and the North American crisis rapidly moving toward the breaking point. Since his accession to the throne in 1760, George III had frequently and arbitrarily changed prime ministers, looking not for skilled public servants but for men completely bound and answerable to him, ready and willing to carry out his plans to re-establish direct personal rule. William Pitt was dismissed in 1761, the Earl of Bute in 1763, George Grenville in 1765. Grenville, a Whig, had been responsible for the Stamp Act,<sup>1</sup> which greatly embittered already strained relations between the American colonists and England. Such was the situation when Burke entered the House of Commons, where he immediately took a firm stand against both the king's policies and the official handling of the American question.

Under the short-lived Rockingham administration, the Stamp Act was repealed and the tension somewhat eased. But in 1767 the new government, headed by the Duke of Grafton, imposed duties through the Townshend Acts on several colonial importations (lead, glass, paint, paper, tea) and rekindled the rebellious spirit of the colonists. He was dismissed and replaced by Lord North. The king had finally found his man. He kept him in office for twelve catastrophic years. Lord North first tried a policy of appeasement. He repealed the Townshend Acts but his insistence on parliament's right to tax the colonies met their violent disapproval and was one of the main causes of the Boston "tea party" (1773), which in turn provoked British retaliatory measures. This course of events was opposed step by step by Burke. He spoke in

<sup>1</sup> The Stamp Act required that a stamp be affixed to all legal documents, books, newspapers, college diplomas, bills of lading, and letters of credit issued in the American colonies.

favor of the colonists, pleading in parliament for a policy of moderation and conciliation and, when war began, for peace.

Another nation, Ireland, was clamoring for the restoration of certain long-denied economic and religious rights. The Irish economy had been all but suffocated by the selfish exigencies of the British mercantile interests. Likewise, the vast majority of the Irish people, by reason of their Catholic faith, were barred from political life while iniquitous laws, reaching deep and far, subjected them to harsh measures and stiff penalties. Burke never stopped campaigning, in the name of natural law and reason, for legislation capable of bringing Catholic Ireland relief in all spheres.

True to the same liberal principles, Burke sided against Warren Hastings, governor general of India. Accused of corruption, extortion, brutality, and deception, Hastings was brought before the court of the House of Lords (1788) and acquitted (1795), but Burke's thundering philippics, if they did not completely prove his case, still speak eloquently for his exacting standards of political morality.

When the French Revolution broke out in 1789, many, in England and abroad, turned their eyes to Burke. The champion of freedom versus absolutism, the fighter for the rights of the oppressed, the orator indignant against oligarchic interests, would surely hail the revolutionaries across the Channel. But Burke was silent. He was watching the French fury, raised against the throne and the altar, with increasing alarm. Finally, when news reached him that the royal palace at Versailles had been invaded by the Parisian mob and the Queen threatened,<sup>2</sup> he became convinced of the folly of the French reformers. A sort of holy anger seized him and he lashed out at them in condemnation and warning. In November 1790, his famous *Reflections on the Revolution in France* appeared. Returning to the argument in 1791, he wrote *Thoughts on French Affairs*. Shortly before he had released

<sup>2</sup> The tragic events of October 6, 1789, are described by Burke in *Reflections on the Revolution in France*. (*The Works of Edmund Burke*, 6th ed. [Boston: Little Brown and Company, 1880], Volume III, p. 325.) There he also draws a romantic portrait of Marie Antoinette as seen on a visit to France some sixteen years before: "I saw her just above the horizon, decorating and cheering the elevated sphere she just began to move in—glittering like the morning-star, full of life and splendor and joy." (*Ibid.*, p. 331.)

*An Appeal from the New to the Old Whigs*, contrasting the spirit and methods of the revolutions of 1688 and 1789.

His position on the French Revolution was frowned upon by the men of his party, particularly its leader, Charles James Fox. They resented Burke's censure of the French happenings and doctrines, and in May 1791, in a highly dramatic episode in the House of Commons, Burke publicly renounced Fox's friendship. This breach led to Burke's expulsion from the Whig party. But with the passing of the years and the turn of events, Burke's viewpoint was vindicated. In February 1793, riding the crest of popular resentment to French policies, Pitt declared war on France.

In the summer of 1794, thirty years after he had first entered the House of Commons, Burke retired from parliament. His financial conditions were difficult, and King George granted him an annual pension. His health declined steadily until, on July 9, 1797, he died at his home in Beaconsfield. According to his wish, he was buried there in his parish church.

#### DUAL BASIS OF BURKE'S DOCTRINE

More than a system of political philosophy, Burke's speeches and writings are a statesman's manual. He was impatient with formalism. He saw no little danger in too much reasoning. He disliked definitions. According to him, these are in order in the field of metaphysics, not in the practical science of politics, whose end is not speculative knowledge but action. When one deals with actual conditions and must decide upon a course of action for a specific situation, dogmatic, universal, and abstract principles have little to offer. In politics, experience, common sense, and prudence are the immediate instruments of judgment and decision, and "prudence is cautious how she defines."<sup>3</sup> This is not to say that Burke was unscrupulous and unprincipled. On the contrary, he had a set of very definite, fundamental beliefs and adhered tenaciously and uncompromisingly to them. But his point was that in the practical application of principles the context of time and place and persons was paramount. A statesman must meet an infinite variety of circumstances. It is these that "give in reality to every political principle its distinguishing color and discriminating effect."<sup>4</sup> One must

<sup>3</sup> *Appeal from the New to the Old Whigs* in *Works*, IV, p. 81.

<sup>4</sup> *Reflections*, p. 240.

never forget the principles. One must always act in conformity with them. But political action, invariably a delicate operation, while informed by them, must be guided by circumstances. While government and freedom, for example, are in themselves good and desirable, one cannot praise a certain type of government without first inquiring into its nature and how it is administered. Or,

is it because liberty in the abstract may be classed amongst the blessings of mankind, that I am seriously to felicitate a madman who has escaped from the protecting restraint and wholesome darkness of his cell on his restoration to the enjoyment of light and liberty? <sup>5</sup>

Hence the dual basis of Burke's political theory and action: a firm, unshifting respect for sound principles, and a constant attention to varied and varying circumstances. On both grounds he condemned the French Revolution.

#### BURKE AND THE FRENCH REVOLUTION

The Revolution of 1789 had been preceded by and achieved with a shouting and parading of principles seldom, if ever, seen in history before or since. Burke considered all of them wrong, spurious, and fallacious. The very opposite principles were the right ones. The Revolution was for man—individual, uprooted man, in opposition to God and man and mankind. But religion, says Burke,

is the basis of civil society, and the source of all good, and of all comfort. . . . Man is by his constitution a religious animal; . . . atheism is against, not only our reason, but our instincts.<sup>6</sup> . . . All persons possessing any portion of power ought to be strongly and awfully impressed with an idea that they act in trust, and that they are to account for their conduct in that trust to the one great Master, Author, and Founder of society.<sup>7</sup> . . . The awful Author of our being is the Author of our place in the order of existence. . . . We have obligations to mankind at large. . . . They arise from the relation of man to man, and the relation of man to God, which relations are not matters of choice.<sup>8</sup>

The Revolution was for abstract, individual reason in opposition to collected reason and sentiment. Burke wanted practical wis-

<sup>5</sup> *Ibid.*, p. 241.

<sup>6</sup> *Ibid.*, pp. 350, 351.

<sup>7</sup> *Ibid.*, p. 354.

<sup>8</sup> *Appeal*, pp. 165, 166.



dom in place of the Revolution's philosophy of reason divorced from experience. Naked reason can never be a guide to action. Man is not a creature of sheer reason but of passion and habits, too—a creature capable of veneration, love, and attachment. More, because each individual's private stock of reason is scant, "individuals would do better to avail themselves of the general bank and capital of nations and ages."<sup>9</sup>

The Revolution was for the "rights of man" in opposition to man's rights and duties, both viewed and realized within the framework of historical realities.

The pretended rights of these theorists are all extremes; and in proportion as they are metaphysically true, they are morally and politically false. The rights of men are in a sort of *middle*. . . . The rights of men in government are their advantages; and these are often in balances between differences of good, in compromises sometimes between good and evil, and sometimes between evil and evil. . . . By these theorists the right of the people is almost always sophistically confounded with their power . . . but . . . the whole body of them has no right inconsistent with virtue, and the first of all virtues, prudence. Men have no right to what is not reasonable, and to what is not for their benefit.<sup>10</sup>

The Revolution claimed that the social contract was solely responsible for the establishment of the state in opposition to man's natural, inescapable inclination to society, including political society. Burke answered that God is the

Institutor and Author and Protector of civil society, without which civil society man could not by any possibility arrive at the perfection of which his nature is capable nor even make a remote and faint approach to it. . . . He who gave our nature to be perfected by our virtue willed also the necessary means of its perfection: He willed, therefore, the state.<sup>11</sup>

The Revolution stood for individual, solitary, selfish liberty in opposition to individual and collective freedom based on natural law and justice, and directed to the achievement of a stable and well-ordered living together. The freedom Burke loved was not an unconnected liberty whereby every man regulates the whole of his conduct by his own will.

<sup>9</sup> *Reflections*, p. 346.

<sup>10</sup> *Ibid.*, p. 313.

<sup>11</sup> *Ibid.*, p. 361.



The liberty I mean is *social* freedom. It is that state of things in which liberty is secured by the equality of restraint. A constitution of things in which the liberty of no one man, and no body of men, and no number of men, can find means to trespass on the liberty of any person, or any description of persons, in the society. This kind of liberty is, indeed, but another name for justice. . . . Whenever a separation is made between liberty and justice, neither is, in my opinion, safe.<sup>12</sup>

The Revolution was for "Jacobin democracy," the will of the greatest number, in opposition to the natural aristocracy of the great landowners and all cultured and right-thinking citizens formed independently of numerical quantity. How the judgment of every citizen could be assigned equal weight was beyond Burke's comprehension.

Believe me, Sir, those who attempt to level never equalize. In all societies consisting of various descriptions of citizens, some description must be uppermost.<sup>13</sup> . . . There is no qualification for government but virtue and wisdom, actual or presumptive.<sup>14</sup> I see as little of policy or utility as there is of right, in laying down a principle that a majority of men told by the head are to be considered as the people, and that as such their will is to be law.<sup>15</sup>

For Burke, only when the multitude acts together under the wise leadership of the best is there a people and not "a disbanded race of deserters and vagabonds."<sup>16</sup>

Above all, the French Revolution was for the abrupt, total, violent destruction of all previous ideas and institutions in opposition to a gradual correction of social ills and a prudent adjusting to changing conditions, both to be achieved without breaking with history and tradition. "You began ill because you began by despising everything that belonged to you."<sup>17</sup> A diseased man or country cannot be cured with undiluted poison; but in Burke's view, the men of the Revolution attempted just that. The ancient order "into which we are born" they utterly disregarded. The French Revolution was therefore "a strange chaos of levity and

<sup>12</sup> *Correspondence of Edmund Burke* (London: Francis and John Rivington, 1844), III, p. 106.

<sup>13</sup> *Reflections*, p. 295.

<sup>14</sup> *Ibid.*, p. 297.

<sup>15</sup> *Appeal*, p. 174.

<sup>16</sup> *Ibid.*, p. 176.

<sup>17</sup> *Reflections*, p. 278.

ferocity, and of all sorts of crimes jumbled together with all sorts of follies.”<sup>18</sup>

For the same reason, Burke criticized the absurdity of thinking a state could be organized by simply formulating a constitution full of abstractions and generalities. Political science cannot be reduced to brief formulas. Rather than in a written document drawn up by some individuals at a given time and place, the true constitution of a country is found in the organs of government established and refined through centuries as well as in the customs, traditions, and general character of a people. This explains Burke’s organic view of the state and the nation. The state is something that grows up over a time, “a partnership between those who are living, and those who are dead, and those who are to be born.”<sup>19</sup> The nation is “an idea of continuity.” It extends in time as well as in number and space. Therefore, to grant a living generation the right to make radical changes in political institutions is tantamount to destroying the compact that binds together the dead, the living, and the unborn. A small minority (in this case, the living generation) must be denied so broad and sweeping a power of reform.

Nor is a governmental system to be judged by abstract standards but by practical considerations: its way of working, its results (does it actually achieve order, unity, peace, good will?), the caliber and character of the men in power. On all three counts Burke strongly decried the French Revolution. Its leaders were immoderate, turbulent, impractical, presumptuous.

After I had read over the list of persons and descriptions elected into the *Tiers État*, nothing which they afterwards did could appear astonishing . . . of any practical experience in the state not one man was to be found. The best were only men of theory.<sup>20</sup>

Its methods—mob violence, demagoguery, arbitrariness—were impious, brutal, and shameful. Its results were no less heinous and pernicious.

They [the men of the Revolution] have found their punishment in their success. Laws overturned; tribunals subverted; industry without vigor; commerce expiring; the revenue unpaid, yet the people impoverished;

<sup>18</sup> *Ibid.*, p. 244.

<sup>19</sup> *Ibid.*, p. 359.

<sup>20</sup> *Ibid.*, p. 284.

a church pillaged, and a state not relieved; civil and military anarchy made the constitution of the kingdom; everything human and divine sacrificed to the idol of public credit, and national bankruptcy the consequence. . . .<sup>21</sup>

Again, theorizing is futile when there is question of instituting reforms or taking a course of action. "The science of constructing a commonwealth, or renovating it, or reforming it, is, like every other experimental science, not to be taught *a priori*." <sup>22</sup> Burke insists on expediency as the guiding light of the statesman; and the expediency he speaks of is not opportunism but what, all considered, is best for the community and every member of it at a particular moment. The best may consist of a limited solution, a deft compromise, a patient waiting for the dust to settle. It may not be the best in an absolute sense, but *hic et nunc* it may be the only sensible thing to do. In dealing with men—and politics deals with men and human actions and human concerns—the realization of the ideal is always conditioned by inexorable limitations and imperfections. *Surtout, pas trop de zèle*. The Procrustean bed, mass production from a single mold, the conveyor belt, these have no place in politics. A sense of bounds, the science of adaptation to circumstances—both of these were unknown to the French Revolution.

#### THE EXAMPLE OF ENGLAND

Against the character and temper of the French Revolution, Burke upheld the system, opinions, and dispositions prevalent in England. A famous page embodies Burke's conservative creed:

We are not the converts of Rousseau; we are not the disciples of Voltaire; Helvetius has made no progress amongst us. Atheists are not our preachers; madmen are not our lawgivers. We know that *we* have made no discoveries, and we think that no discoveries are to be made, in morality; nor many in the great principles of government, nor in the ideas of liberty. . . . In England we have not yet been completely embowelled of our natural entrails: we still feel within us, and we cherish and cultivate, those inbred sentiments which are the faithful guardians, the active monitors of our duty, the true supporters of all liberal and manly morals. We have not been drawn and trussed in

<sup>21</sup> *Ibid.*, p. 282.

<sup>22</sup> *Ibid.*, p. 311.

order that we may be filled, like stuffed birds in a museum, with chaff and rags, and paltry, blurred shreds of paper about the rights of man. We preserve the whole of our feelings still native and entire, unsophisticated by pedantry and infidelity. We have real hearts of flesh and blood beating in our bosoms. We fear God; we look up with awe to kings, with affection to Parliaments, with duty to magistrates, with reverence to priests, and with respect to nobility.<sup>23</sup>

#### BURKE'S CONSERVATISM

Not a few who have studied Burke have justly pointed out that there is no inconsistency in the man who so strongly denounced the French Revolution but considered himself a child of the Revolution of 1688, defended the American Revolution, and supported Irish claims for freedom of trade and religion. In all his battles Burke persistently fought the same foes: arbitrary power and political imbecility. As already remarked, Burke was not averse to positive and constructive change. He was against the French Revolution because it had no respect for the past, no religious sense, no sense of history, no vision of reality. He could not justify a revolution that so violently attacked political traditions and institutions, property, and religion, a revolution that tampered with the very roots of national life and had for its aim not the reform of a government but the subversion of the order of Europe.

Burke deserves praise for his courageous stand against the Jacobins' destructiveness, for his grasp of the real and sometimes shallow meaning of their declarations, for his defense of the traditional principles of liberty, order, and justice, for injecting a note of humility where others were extolling the superpower of reason. It should be added, however, that Burke's antagonism to radical innovations led him to another abstraction. He placed too much emphasis on the consecration of the *status quo*, on prescription, on vested rights. He admired the past and venerated the wisdom of antiquity to the point of fearing and distrusting new political ideas and ways. Here, perhaps, in his lack of faith in the future, lies his inconsistency. He had exalted man's past conquests, and now he minimized man's will to conquer again. It was to Burke's credit that he saw in history the guiding hand of God's providence,

<sup>23</sup> *Ibid.*, p. 345.



but too often he used that hand to forestall events and changes long overdue. True, there was no moral justification for the violence and cruelty of the Revolution of 1789, but neither was there any justification for the old, rotten, crumbling fabric based on a frivolous and useless court, a privileged and selfish nobility, a corrupt and incompetent judiciary. Burke was touched by the plight of a king and queen taken prisoners and sent to die, but he did not notice the sorrow and tears of an oppressed nation. How different, how much more elastic and wise was Tocqueville's attitude on the very issues that found Burke so rigid and uncompromising.

One could say that Burke's reaction served a healthy purpose at a crucial moment for Europe. It acted as a sobering force amid the extravagant, inflamed passions of the reformers and the recklessness of their sympathizers. But Burke's protest and condemnation should at least have been followed by an effort to understand the causes that made the French Revolution almost inevitable and by an attempt to make the best of it once it had occurred. Instead, Burke merely presented to the French people the example of England and invited them to follow the British political system. This was, to say the least, naïve and incongruous. It showed a Burke incapable of understanding the real situation of continental Europe, a Burke defeating his own doctrine, for the problems and circumstances to which he wanted the statesman to pay careful attention differed greatly in the two countries and called for entirely different approaches and solutions.

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## CHAPTER XXI • *Bentham*

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### LIFE

THE son and grandson of well-to-do attorneys, Jeremy Bentham was born in London, February 15, 1748, the year the Peace of Aix-la-Chapelle terminated the War of the Austrian Succession. He was a precocious child, reading Latin at four and French at six. In June 1760 he entered Queen's College at Oxford and in 1766, when only eighteen, he obtained his master of arts degree. But he disliked the school and, although an insatiable student all his long life, he later labeled formal education a waste of time.

The uncertainty of the English legal system and the abuses so common in the administration of the English justice of the time soon turned him from the practice of law as a career. Bentham devoted himself instead to the study of the theory of law for the purpose of providing a foundation for scientific jurisprudence and legislation.

In 1776 he anonymously published his first book, *Fragment on Government*, in which he strongly attacked the doctrines of a former teacher, William Blackstone, the famed author of *Commentaries on the Laws of England*, a four-volume opus that appeared between 1765-1769. Bentham criticized the oracle of English law for his undiluted eulogy of the British Constitution;

his uncritical endorsement of current ideas on the law of nature, on sovereignty, on natural rights of the individual; and particularly for his failure to propose any reform in the national legal system. The *Fragment* served also to present the general lines of Bentham's philosophic and political theory.

From August 1785 to February 1788, Bentham traveled extensively in Europe, sojourning in France, Italy, and Turkey, and spending about two years in Russia as the guest of his brother Samuel, who was then in the employ of Prince Potemkin. There he wrote the controversial *Defence of Usury*, published in 1787. Returning to England, Bentham tried to obtain a seat in parliament. Disappointed, he abandoned the idea of becoming active in politics. In 1789 he published *Introduction to the Principles of Morals and Legislation*, a lengthy and systematic presentation of his fundamental doctrines. "Yet the *Principles* are not a treatise on utilitarianism but a separately published introduction to a penal code; and their main concern is again with the science of law, this time with special reference to punishment."<sup>1</sup>

That same year the French Revolution evoked more than mild enthusiasm from Bentham and he voiced his approval of the happenings in France in several articles in the *Courrier de Provence*, a revolutionary paper founded by Mirabeau. In reality, Bentham could not stand the abstract "rights-of-man" theory and he put little stock in "equality" and "democracy"; but he praised the destruction of the corrupt *ancien régime* and hoped to have a part in dictating the laws of the new France. On August 23, 1792, the National Assembly made him a French citizen (with Priestley, Paine, Washington, and a few others).

Bentham died in London at the age of eighty-four on June 6, 1832, the day before the Reform Bill became law. He had never married. An indefatigable worker, he left nine large volumes of published writings and 148 boxes of unpublished manuscripts. Ten years before death he had founded the *Westminster Review*, to which both James and John Stuart Mill contributed frequently.

True to the rationalistic mood of the time, Bentham took a

<sup>1</sup> Jeremy Bentham, *A Fragment on Government and An Introduction to the Principles of Morals and Legislation* (Oxford: B. Blackwell, 1948), Introduction by W. Harrison, xxxiv. The entire Introduction is worth reading.

dim view of religion and in some of his books he criticized it severely on several scores. For him religion was an obstacle to intellectual progress, "the only safe ground" of which he found in the data of experience and not in dogmatic statements. It was also his opinion that religion was a divisive factor in the community, setting believers against unbelievers and vice versa, and an ally of the "sinister interests of the earth."

A man of varied talent and exceptional activity, Bentham exerted a pervasive influence in the fields of legal thought and legislative reform. Directly traceable to him were such modifications as the mitigation of penal laws, the abolition of colonial deportation, the revocation of laws against usury, the removal of religious disabilities against Catholics, and the reform of the parliamentary representative system. Of other changes, such as the secret ballot, sanitary regulations, international peace through the establishment of an international court, laws for the protection of children and animals, he was both prophet and advocate. The words "codification" and "international law" were coined by Bentham.

One of Bentham's pet projects, devised in collaboration with his brother Samuel, who had returned from Russia in 1791, was the building of the *panopticon*. This new-type penitentiary was to have all convicts employed in useful works; they were, moreover, to be constantly and simultaneously under the panoptic (all-seeing) eye of the guard. The guard was to be seated in the center of the structure, the inmates were to be in rows of cells radiating from the center toward the points of the star-shaped edifice. After almost a quarter of a century of negotiating with the English government for the adoption of the project, it was rejected in 1811. Thus the *panopticon* affair ended in bitter disappointment. Bentham was shocked by the realization that the people in power, as he said later, "were against reform." He had always thought "they only wanted to know what was good in order to embrace it." The ensuing rancor as well as new influences conspired to make him (until then a Tory sympathizer and humanitarian reformer) a radical of a sort, and were decisive factors in his developing, with the help of James Mill (1773-1836), a school called Benthamism. Further developed by John Stuart Mill (1806-1873), Alexander Bain (1818-1903), Henry Sidgwick (1838-

1900), and David Ricardo<sup>2</sup> (1772-1823), the school proved "the most potent force in English reform"<sup>3</sup> for more than half a century.

### ETHICAL THEORY

The central principle of Bentham's philosophy is the well-known formula: "The greatest happiness of the greatest number is the measure of right and wrong." Neither the doctrine nor its wording was original with Bentham. He admitted having met the phrase in Priestley's *Essay on the First Principles of Government* and Beccaria's *Dei delitti e delle pene*.<sup>4</sup> At the time Bentham was writing, utilitarianism was in substance the theory of most of his English contemporaries—a theory embodying the empirical, optimistic outlook of the English middle classes equally dissatisfied with the conservatism of Burke and the radicalism of Paine and Godwin. Yet Bentham, though not the originator of the idea, was able to bring the abstract principle pointedly to bear on numerous aspects of practical politics and particularly on the broad field of law. It was he who found the way to apply the principle to countless issues of immediate interest.

<sup>2</sup> David Ricardo, the son of a Dutch Jew who had settled in England, is the author of *Principles of Political Economy and Taxation*, published in 1817 at the insistence of his friend James Mill. It is in this book that Ricardo states his rigid laws of rent, value, and wages, thus outlining, unwittingly perhaps, the case for class warfare.

<sup>3</sup> *A Fragment on Government* . . . , Introduction, xii.

<sup>4</sup> In this book published in 1768, Joseph Priestley (1733-1804), Unitarian minister and scientist, says that "the good and happiness of the members, that is of the majority of the members, of any state is the great standard by which everything relating to that state must be finally determined." In the preface of his famous essay, published in 1764, Cesare Beccaria (1737-1794) speaks of "the greatest happiness shared by the greatest number." A sociologist and economist, Beccaria is one of the major exponents of the Italian rationalistic movement. A believer in Rousseau's contractual theory of the state, he held that the demands of social justice must be reconciled as far as possible with the respect due each man's personality. From this, the general principle of his famous treatise, Beccaria draws an enlightened program of penal methods. Francis Hutcheson (1694-1746) had already stated the utilitarian principle as early as 1725 with much the same wording in *Enquiry concerning Moral Good and Evil* (III, § 8): "That action is best which secures the greatest happiness of the greatest number."



In what specifically does Bentham's theory consist? He answered this question in the opening sentences of *Introduction to the Principles of Morals and Legislation*:

Nature has placed mankind under the governance of two sovereign masters, *pain and pleasure*. It is for them to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne. They govern us in all we say, in all we think; every effort we make to throw off our subjection, will serve but to demonstrate and confirm it. . . . *The principle of utility* recognizes this subjection, and assumes it for the foundation of that system, the object of which is to rear the fabric of felicity by the hands of reason and of law.<sup>5</sup>

Bentham further explained the principle of utility, or what he later termed the "greatest happiness of the greatest number" principle, as that "which approves or disapproves of every action whatsoever according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question: or, what is the same thing in other words, to promote or to oppose that happiness."<sup>6</sup> Good, then, is that which is useful to us; evil, that which is harmful. In turn, that is useful which is pleasurable; that is harmful, which is painful. In other words, for Bentham it is self-evident that man, taken either alone or in society, is naturally and first of all inclined to do what brings him happiness, that is, pleasure or absence of pain, or, at least, more pleasure than pain; and to avoid whatever causes him unhappiness, that is, pain. More important, Bentham went on to make this principle, and only this principle, man's and society's standard of right and wrong. The revealed word of God or God's law imprinted in man's conscience or even speculative reasoning as means of providing man with a uniform and universal standard of morality, he summarily dismissed. It was according to his principle that any given action, whether private or public, was to be evaluated. This is done through what he calls the *calculus of pleasure*: a summing up of the pleasures and pains involved in each instance and a balancing of the one against the other. If a particular action, thus hedonistically and mechanically tested, appears likely to cause

<sup>5</sup> *A Fragment on Government* . . . , p. 125.

<sup>6</sup> *Ibid.*, p. 126.

pain, it is to be avoided: it is "unjust," "immoral," "wrong," "evil." If, on the contrary, it is likely to bring pleasure, it may be done: it is "just," "moral," "right." It follows that virtue is a good to be pursued only in view of the pleasures that attend it; vice, an evil to be avoided because it inflicts pain. Moral good exists only because of its capacity to give physical pleasure; moral evil because it produces physical pain.

While Bentham seems to refer the term "physical" pleasures and pains to the delights and sorrows of both the soul and the senses, he nevertheless maintains that pleasures (or pains) differ only quantitatively. In reality, there is a qualitative difference between various kinds of pleasures that makes it impossible either to compare them or to evaluate them mathematically. How does one compare the pleasures of listening to good music and eating a good dinner, or the pleasures of climbing a mountain and playing a game of chance? Here, as in his entire ethical system, Bentham shows a marked degree of naïveté. His empiricism made him take a rather superficial view of the moral problem, and led him to ignore the complex constitution and manifold implications of man's nature. At times, pleasure is evil, pain is good. What one feels he ought to do is often painful and contrasts directly with what he would like to do or what he actually does. Problems are never solved by denying they exist.

To the principle of utility Bentham adds the principle of benevolence or good will—a natural, universal tendency in men to seek their own happiness in the happiness of others. While the first law of nature urges man to pursue his own happiness, prudence and good will advise that self-love and individual happiness can (and should, as a rule) coincide with communal good, that is, with the happiness of the greatest number. The reason is that in most cases individual interests are bound up with general interests, for the latter are but the sum of individual interests;<sup>7</sup> therefore, in striving for the greatest happiness of the greatest number the

<sup>7</sup> This individualistic concept of the common good is rather superficial. The common good, the purpose of every society including the political, is something more than the mere sum of private goods. It is of another order. Yet, it must be carefully noted against most of the collectivists, the welfare of the whole group must *per se* result in the good of the persons within the group.

individual is working out his own. The happiness of the individual is always included in the happiness of the greatest number.

Bentham's enlightened self-interest, dress it as he might, is but a rationalized selfishness. He refuses to acknowledge the existence of true disinterestedness or, to say the least, he considerably lowers its character. Persons who contributed to the communal good for purposes transcending their own interests and selfish pleasures never came within his experience or, perhaps, his understanding.

### POLITICAL THEORY

Bentham's political theory is an application of his ethical doctrine to social issues and political questions. The same utility that solves for him the moral problem becomes the magic touchstone for analyzing the nature of state and government; it becomes the infallible test for judging political action and obligation, the end of law, and political economy.

### THE STATE

For Bentham the state is a group of men, part of whom are accustomed to pay obedience to other members.

When a number of persons (whom we may style *subjects*) are supposed to be in the *habit* of paying obedience to a person, or an assemblage of persons, of a known and certain description (whom we call *governor* or *governors*) such persons altogether (subjects and governors) are said to be in a state of *political society*.<sup>8</sup>

Natural society, on the contrary, is a group of men in which no such habitual obedience is paid other men.

Why did men begin and why do they continue to obey the government? Bentham rejects the social contract theory both as an explanation of the origin of the state and as the foundation of political obligation. Not because they or their fathers agreed to it do men obey the laws of the state. Nor are the origin of the state and the duty of obedience to be referred to some natural law or

<sup>8</sup> *A Fragment on Government* . . . , p. 38.

to some eternal reason. States were established and state laws are obeyed because of their usefulness to men. It is in the interest of men to obey. That is why they obey. "The probable mischiefs of obedience are less than the probable mischiefs of resistance."<sup>9</sup>

#### LAWS AND LEGISLATION

What are laws? They are expressions of a will in the form of a command. Such expressions are only those formulated by one man or several men. For particular men, not man in general or human reason or nature, can be said to have a will. Even God is out of the picture in Bentham's field of legislation. Of course, God's will would be law if it were clearly expressed in the form of a command; but Bentham feels that there is no way to know (at least, to know with certainty) the will of God. In political society, then, law is the command of the sovereign habitually obeyed by the members. The political superior in a political society actually functioning, whether one man or a body, possesses unlimited political power. Legally speaking, the governor or sovereign has neither limitations nor duties, he has only rights. The subject, on the other hand, has no legal right to disobedience, resistance, or revolt. He has only a legal (or political) duty to obey the supreme power unconditionally. But the power of the sovereign is limited on another level. The limitation stems from the necessity of having the people actually acquiesce in the legislation—for laws are indeed made to be obeyed. There is always the possibility of popular dissatisfaction, of general resistance, and of eventual rebellion. The legislator rules unchecked, his power is indefinite and unlimited; yet, he runs the risk of being unseated should obedience seem to a sufficient number of subjects less useful or more harmful than disobedience and revolt.

To help subjects to obey: not only to make laws that they *must* obey out of political duty but to appeal to their good will so that they *may* obey freely out of moral duty, realizing that the rules enforced tend to their greatest happiness—this is the difficult task of the legislator or sovereign body. As a weighty step in this direction Bentham suggests a form of government in which the interests of the subjects coincide with the interests of the gov-

<sup>9</sup> *Ibid.*, p. 55.



ernors. Then laws will be dictated by a serious concern for what is the end of every human action—the promotion of the greatest happiness of the greatest number. The danger of disobedience will greatly diminish.

In addition, Bentham warmly recommends education for all, at least to some degree. Useful learning (*chrestomatia*) helps man form a right judgment about what is truly conducive to happiness. Moreover, knowledge enables man to get more, if not the most, out of life.

Bentham's interest in law expressed itself in a constant effort to vitalize his principles in legislative reform. Most of his writings are a criticism of existing laws or proposals for new laws. He was first of all against the chaotic condition of law in England. He wanted the law codified, that is, clearly expressed in terse and simple statements, understandable to even the plainest citizens. He considered it a primary duty of the state to make the law known to all who were bound to it and he suggested this be done through a system of general education and the distribution, possibly gratuitous, of copies of the law.

## GOVERNMENT

One notes a close connection between Bentham's theory of legislation and his theory of government. Unlike most political philosophers for whom the former follows the latter, Bentham seems to have first a theory of lawmaking to which he suits his doctrine of government. "His primary concern was with neither psychology nor ethics, nor was it with 'political theory,' but with the reform of existing laws by means of a science of law."<sup>10</sup> Because laws are made to be obeyed and, as a rule, they are freely obeyed when they promote the general utility, the interests of the governors and of the governed must become identical. Only thus is the conflict between the good of the sovereign and the good of the subjects likely to be averted. Bentham shows how the English form of government (a representative government) should be made to function properly. Far from satisfied with the "matchless constitution," so highly praised by so many since Montesquieu's first panegyric in 1748, he suggested numerous and drastic re-

<sup>10</sup> *Ibid.*, Introduction, xviii.



forms such as universal manhood suffrage, with ability to read as the sole requisite;<sup>11</sup> annual parliaments; vote by ballot; equalization of electoral districts. Dissatisfied with the two-chamber system and contemptuous of the House of Lords, he proposed a single legislative chamber composed exclusively of representatives duly and annually elected by the people. Even the monarchy fell under his criticism and he spoke feelingly for a republic. For Bentham these were all logical steps in the right direction: promoting and securing the greatest happiness of the greatest number.

Given a monarchy, he reasoned, and the King's interest alone is supreme; given a limited monarchy, and the interest of a privileged class, as well as that of the sovereign, comes in; it is only when democracy rules that the interests of the governors and the governed become identical, for the greatest happiness of the greatest number is thus the supreme end in view.<sup>12</sup>

#### POLITICAL ECONOMY

Bentham's political economy follows the main lines traced so forcefully by Adam Smith in his *Wealth of Nations*.<sup>13</sup> On only one occasion did the disciple dissent from the master and then merely to insist on applying principles from which Smith had momen-

<sup>11</sup> As to woman suffrage, for which only an insignificant number clamored at the time, Bentham, evading the question, said simply that it would be decided when there was a truly popular demand.

<sup>12</sup> W. L. Davidson, *Political Thought in England, the Utilitarians from Bentham to Mill* (London: Oxford University Press, 1947), p. 50.

<sup>13</sup> The new "science of political economy," originated in France by a group of thinkers known as Physiocrats (from the word physiocracy, meaning "the rule of nature" and referring to the physical constitution and pertinent laws given by God to the universe), found its classical expression in Adam Smith (1723-1790). His most important works are *Theory of Moral Sentiments* (1759) and *The Wealth of Nations* (1776). He believed that the government which governs least governs best, that economic prosperity is assured if the individual is left alone to pursue his own interest, for, by seeking it, one promotes the welfare of all. The "invisible hand" of God's providence will take care of this, for divine providence, which "has endowed man with a desire to better his own condition," will see to it that no conflict arises between individual self-interest and social welfare. Smith therefore asserts that every man, provided he does not violate the rules of justice, should be left "perfectly free to pursue his own interest his own way, and to bring both his industry and capital into competition

tarily departed. This was in his *Defence of Usury* (1787) when Bentham accused Smith of inconsistency for supporting the laws against usury. In this booklet Bentham did not defend the usurer or usury as such. He condemns government legislation against the lending and borrowing of money at high interest, arguing that such interference is more detrimental than advantageous to the common utility.

As a rule, then, Bentham was a vigorous defender of unrestricted property rights, free trade, the doctrine of non-interference on the part of the government with the law of supply and demand, and, broadly speaking, with the individual in all his dealings with his fellow citizens. He was in the main for unlimited freedom of competition as responsible for both the best products and the lowest prices. The fact that through free competition the more energetic and talented were able to prevail over others less gifted and enterprising was also, for Bentham, a reason for advocating it. In this vein he wrote in his *Manual of Political Economy* (1798): "The request which agriculture, manufacturers and commerce present to governments, is modest and reasonable as that which Diogenes made to Alexander: Stand out of my sunshine." <sup>14</sup> In other passages ("laissez-nous faire," "all government is in itself one vast evil"), Bentham expresses the same principle. Yet this "let alone" or "be quiet" doctrine, as well as his repeated relegation of government to police duty (to preserve order, guarantee property rights, prevent men from murdering one another), must be taken with a grain of salt. Empirical philosophers such as Bentham would be surprised and shocked at being taken

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with those of any other man, or order of men." The historical influence of Smith has been tremendous. With him, according to Harold Laski, "the practical maxims of business enterprise achieved the status of a theology." According to Max Lerner, "he gave a new dignity to greed and a new sanctification to the predatory impulses." Others have emphasized the fact that Smith was essentially for *individual* economic enterprise and would have repudiated the "big business" perversion of property as well as any kind of monopoly. "Perhaps. But this much is true, and tragically so, that history (with infallibly perfect logic, of course) has used his classical rationalization of human greed as a sanctimonious camouflage for ghastly economic oppression and tyranny." (George C. Higgins, "Adam Smith: The Wealth of Nations," *The Great Books*, Vol. I, pp. 98-103.)

<sup>14</sup> *The Works of Jeremy Bentham*, ed. by Bowring (Edinburgh: 1839), Vol. III, Part IX, p. 35.

literally. The laissez-faire principle is too closely bound to utility not to be discarded should the latter make government action imperative in some particular instance. It is therefore important to remember that the individualism of Bentham and Benthamism do not coincide with an absolute opposition to governmental interference.

The general tendency was in that direction; and in purely economical questions, scarcely any exception was admitted to the rule. Men are the best judges, it was said, of their own interest; and the interference of rulers in a commercial transaction is the interference of people inferior in knowledge of the facts, and whose interests are "sinister" or inconsistent with those of the persons really concerned. Utility, therefore, will, as a rule, forbid the action of government: but, as utility is always the ultimate principle, and there may be cases in which it does not coincide with the "let alone" principle, we must always admit the possibility that in special cases government can interfere usefully, and, in that case, approve the interference.<sup>15</sup>

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<sup>15</sup> Leslie Stephen, *The English Utilitarians* (London: Duckworth and Co., 1900), Vol. I, p. 310.

## CHAPTER XXII • *Hegel*

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### LIFE

GEORG WILHELM FRIEDRICH HEGEL was born in Stuttgart on August 27, 1770, the son of a minor official of the Duchy of Württemberg. He received his elementary and secondary schooling in his native town and, at the age of eighteen, enrolled in the University of Tübingen to study theology. There, at the Protestant seminary, he shared a room with Schelling. Another fellow student was the young poet Hölderlin.

After he received his degree in theology in 1793, Hegel became a tutor in a private family first in Bern, and then in Frankfurt where he remained until 1800. All these years he devoted himself to an intensive study of philosophy, economics, and politics, and wrote several books—among them a rationalistic *Life of Jesus*.

Toward the end of 1800, Hegel accepted Schelling's invitation to join him as a lecturer at the University of Jena, then an important center of Romantic culture. The courses he gave there to a handful of students were logic, metaphysics, history of philosophy, and pure mathematics. At Jena, Hegel wrote *On the Difference between Fichte and Schelling* and collaborated with Schelling in the publication of the *Critical Journal of Philosophy*. But his most important work in that period was *Phenomenology of Spirit*



published in 1807. It marks the break with Schelling's philosophy and lays the foundation for his own system. The Jena sojourn came to a close with the famous Napoleonic victory there.

In 1807 Hegel went to Bamberg in Bavaria to edit a daily paper and shortly afterward (1808) he moved to Nuremberg to head the Aegidien-gymnasium. In 1811 he married Marie von Tucher, twenty-two years his junior. They had two children. In Nuremberg he wrote *Science of Logic*, his central and most significant work.

In 1816 Hegel accepted a professorship at the University of Heidelberg. Two years later he left for Berlin to occupy the chair left vacant by Fichte. Hegel taught in the German capital the remaining thirteen years of his life. He became a national figure, the recognized leader of German philosophic thought. In 1821 he published *The Philosophy of Right*, and in 1830 was appointed rector of the University. His courses were interrupted by occasional trips: to the Baltic States (1822), Austria (1824), and France (1827). On November 14, 1831, he died of cholera. Hegel was buried in Berlin near Fichte. Some of his books, *Philosophy of History*, *History of Philosophy*, *Philosophy of Religion*, were published posthumously by his disciples.

#### GENERAL PHILOSOPHY

Hegel's is an idealistic philosophy. Not only is the idea its center; the idea is the sum of all reality. For Hegel thought is all; it is the absolute. By the terms *idea*, *thought*, *absolute*, Hegel means reason, that is, both the essence and the norm of one's thought (a subjective faculty) and the essence and the law of the evolution of things (an objective reality). What directs human thought and unconscious nature is reason, and the goal toward which things move is also reason, but self-conscious reason.

Reason is the sovereign of the world. . . . Reason . . . is *substance*, as well as *infinite power*; its own *infinite material* underlying all the natural and spiritual life which it originates, as also the *infinite form*—that which sets this material in motion. On the one hand, reason is the *substance* of the universe; *viz.*, that by which and in which all reality has its being and subsistence. On the other hand, it is the *infinite energy* of the universe. . . . It is the *infinite complex* of things, their entire essence and truth. It is its own material which it commits



to its own Active Energy to work up. . . . While it is exclusively its own basis of existence, and absolute final aim, it is also the energizing power realizing this aim; developing it not only in the phenomena of the Natural, but also of the Spiritual Universe—the History of the World.<sup>1</sup>

Thus, in Hegel's philosophy, nature and spirit are determinations of the same absolute principle—reason. Likewise, for him being and thought are synonymous.

This explains the other important characteristic of Hegel's philosophy: its dynamism. The idea or reason is not static. It is an active infinite, an infinite evolution. It is constantly moving, constantly developing. The various phases of the process of the idea in quest of its perfect realization are not to be considered a result, that is, a product differing from the source or cause from which they derive. The idea does not remain outside them. It is wholly in them. They are successive modes of the idea. They are the idea. In other words, the very process of the idea is the idea determining itself, unfolding itself as it were. Hegel's absolute is not an indifferent source of reality, producing and yet transcending it. It is immanent in it. Hence: "What is rational is actual and what is actual is rational."<sup>2</sup>

In Christian philosophy God is the cause of all that exists. He is in everything and everyone as source and preserver. Yet God is above all, distinct from all, a transcendent being, whom human reason will never know perfectly. Hegel's god is an absolute, immanent in reality, not at all distinct from it, perfectly knowable. In this sense, it has been correctly noted, Hegel's philosophy is most atheistic.

The logical or dialectic development of Hegel's idea, its process of metaphysical development, has three stages: first, the idea *in-itself*, the pure idea perceived through the medium of absolute thought (that is *being* in itself); secondly, the idea *outside-of-itself*, in its external realization, the idea passed over into otherness (that is *nature*); thirdly, the idea *for-itself*, the idea that has come back to itself, the idea arrived at the consciousness of itself (that is *mind* or *spirit*). Each of these triadic determinations is

<sup>1</sup> *The Philosophy of History* (Chicago: Encyclopaedia Britannica Great Books, 1952), Vol. XLVI, p. 157.

<sup>2</sup> *The Philosophy of Right* (Chicago: Encyclopaedia Britannica Great Books, 1952), Vol. XLVI, p. 6 (Preface).

divided into three secondary determinations; these are subdivided into three others, and so on.

The movement of the idea is spiralwise. The idea develops through an endless, dramatic, almost tragic tension. Reason becomes self-cognizant by affirming itself (thesis), negating itself (antithesis), and reaffirming itself (synthesis). The full truth is a reconciliation of opposites. Reintegration is reached through disintegration, life through death. Then the identical process is repeated again and again in new forms: the contradiction reappears and is resolved in a new unity or synthesis, only to be confronted by a new negation and so on, until the absolute is reached. In this way Hegel repudiates the traditional principle of contradiction and comes close to the Sophists' manner of reasoning while at the same time steering clear of their skepticism and despair.

Hegel's philosophy includes three sciences: (1) Logic, the science of the idea in itself, the science of the pure idea in its abstract elements, the morphology and physiology of thought, a science that coincides with metaphysics. (2) The philosophy of nature, the science of the idea out of itself, the science of the idea externalized in nature, first in the inorganic world, then in the chemical process, finally in the organic world whose perfect animal form is the human organism. (3) The philosophy of mind or spirit, the science of full consciousness and freedom, the science of the idea returned to itself. Here the idea passes through three distinct forms: subjective mind (the individual), objective mind (society), absolute mind (mind subject only to mind) expressing itself in art, religion, and science.

#### THE CONCEPT OF FREEDOM

A grasp of Hegel's general philosophy is necessary for an understanding of his political doctrine. One must grasp too Hegel's concept of freedom. For him, freedom means ability to overcome finiteness, to burst the bonds and break out of the limitations of any exteriority. He is free who rises superior over all irrational requirements and unjust restrictions without and within. Lest these impressive words be misleading, it must be added that Hegel's freedom, as far as the individual is concerned, consists in a recognition and acceptance of the course of necessity. One is free when

he grasps the ineluctable and triumphant law of history and consciously and willingly falls in step with it. One's personality may be pitilessly crushed in the process; yet he is free for he knows why and how this occurs.

Now Hegel sees history (also political history) as a process toward the attainment of this rational freedom. In the progress toward final deliverance mankind passes through several phases (family, tribe, lower forms of political groupings), gradually freeing itself of the many bondages by which it is held in slavery. These bondages are man's own beliefs at a given epoch, man's temporary embodiments of his own reason, man's imperfectly developed human capabilities. The final liberation from bondage will come when man, or rather the divine spirit moving within him, reaches the perfection of social existence or, in Hegel's terminology, when the subjective mind has given place completely to the objective mind.

#### THE STATE AND ITS EVOLUTION

The highest form of social existence is the state. Hegel has great respect for the family and for civil society. Both are permanent institutions. But, while it is particularly on the family that the state rests, it is only with the state that the perfect organization of society is attained. The family is an individual; the civil community concerns itself with the protection of individual interests; but the state is the embodiment of the ethical idea, it lives for the ethical idea, it is not interested in individuals as such. Individuals as individuals cease to exist. They and their private interests are expendable.

Evolving through a series of less adequate forms, the political organization reaches its highest development with the national state—a state incorporating a homogeneous people, welded together by a common language, a common religion, a common history, by customs, traditions, and ideas. Hegel sees this evolution marked by four major phases: the despotic potentate of the East, the small city-state of the Greeks, the world empire of the Romans, the German nation.

The East knew . . . only that one is free; the Greek and Roman world, that *some* are free; the German world knows that all are free.

The first political form therefore which we observe in History, is *despotism*, the second *democracy* and *aristocracy*, the third *monarchy*.<sup>3</sup>

The first phase represents the childhood of history; the second, adolescence; the third, manhood; the fourth, old age, that is, perfect maturity and strength of spirit, "in which the Spirit returns to unity to itself, but in its fully developed character as Spirit."<sup>4</sup> In the German nations even the conflict between Church and state has vanished.

The state no longer occupies a position of real inferiority to the church, and is no longer subordinate to it. The latter asserts no prerogative, and the spiritual is no longer an element foreign to the state. Freedom has found the means of realizing its ideal—its true existence.<sup>5</sup>

Hence Hegel's glowing definition of the state: "the march of God in the world,"<sup>6</sup> "the divine idea as it exists on earth,"<sup>7</sup> "the embodiment of rational freedom, realizing and recognizing itself in an objective form."<sup>8</sup>

#### THE STATE FIRST AND FOREMOST

It is evident that in Hegel's system there is no place for a contractual, utilitarian, individualistic, liberal theory of the state. Nor for a Christian concept of politics. His evolutionary view makes the state not a conscious creation of man but the result or rather the last link in a chain of progressive developments. It is an organic, totalitarian view according to which the state is an organic whole, a living being, an end in itself, existing for its own sake. "All worth which the human being possesses, all spiritual reality, he possesses only through the state."<sup>9</sup> The glorification of the state becomes the supreme imperative for all, under penalty of their being cut off from the source of life. The state is the tree, the citizens are the branches. Consequently, the state "has supreme right against the individual, whose supreme duty is to be a mem-

<sup>3</sup> *Philosophy of History*, p. 203.

<sup>4</sup> *Ibid.*, p. 205.

<sup>6</sup> *Philosophy of Right*, p. 141.

<sup>8</sup> *Ibid.*, p. 174.

<sup>5</sup> *Ibid.*, p. 206.

<sup>7</sup> *Philosophy of History*, p. 171.

<sup>9</sup> *Ibid.*, p. 171.



ber of the state.”<sup>10</sup> And to be a good vital member the individual must faithfully obey the dictates of the state; for the state and its laws embody universal reason. Obedience to the will of the state is the only way for man to be true to his rational self. Moreover, the citizen must be willing to sacrifice himself for the state: “Sacrifice for the sake of the individuality of the state is the substantive relation of all the citizens, and is, thus, a universal duty.”<sup>11</sup>

High above individual and family, Hegel’s state is also superior to natural law and morality. A moral law, fixed, timeless, universal, invariably valid, does not exist. The principle that ultimately man’s actions must be guided by his conscience is incompatible with the principle of progress. It would mean confusion and fossilization. It would arrest civilization by anchoring it forever in intermediate harbors. Individual rights and duties are transcended by social ethics, that is, by a code of morality issuing from the customs, usages, and traditions of the community to which one happens to belong. Moral ideas grow along with the ethical standard of the social group of which one is a member. At the highest level of social organization, true morality is expressed in and through the laws of the state. For Hegel there is nothing higher or holier than what the state declares moral and right.

One would expect Hegel’s constant preoccupation with the “universal,” the “whole,” the “totality,” the “World Spirit” to lead him to plead for a world state and for the single state’s subordination to it. This is not the case. Hegel’s World Spirit can never be embodied in a world state. For him the national state is the supreme community. One national state against another: this it is that makes possible the ever more perfect actualization of the universal idea. A world state or even a world league of states would be an absurdity. It would eliminate the dialectics of history. It would destroy the very medium through which reason unfolds its various phases in time.

#### THE STRUGGLE BETWEEN STATES

Hegel’s assertion that history is an incessant struggle between states is but a corollary of his general doctrine. “In the history of the world, the *individuals* we have to do with are *peoples*; total-

<sup>10</sup> *Philosophy of Right*, p. 80.

<sup>11</sup> *Ibid.*, p. 107.



ities that are states.”<sup>12</sup> Not the single individuals but the nations are the primary instruments and major embodiments of the World Spirit in its process of auto-revelation. Hegel is fascinated by the great conquerors and statesmen. Alexander the Great, Caesar, Charlemagne, Napoleon stand before him in solitary splendor. He regards them with awe, reverence, and admiration. He defends these world figures despite their peculiarities as private persons.<sup>13</sup>

It is even possible that such men may treat other great, even sacred interests, inconsiderately; conduct which is indeed obnoxious to moral reprehension. But so mighty a form must trample down many an innocent flower, crush to pieces many an object in its path.<sup>14</sup>

Yet, even the great appear on the stage of history as mere agents of necessity to fulfill their function of leaders of this or that nation and then disappear the very instant their mission has been accomplished. The states remain the true protagonists of history. Particularly the victorious, conquering states. Each of them comes closer to the ideal state than the defeated. Each represents at a given epoch a more perfect incarnation of the universal mind or reason only to be, in turn, overcome by another state, a still higher actualization of the same mind. Each is the one chosen in succession by the absolute as its privileged organ—the Egyptians, the Assyrians, the Greeks, the Romans, the French, the Germans. Through them, the conquerors, civilization constantly forges ahead; through them God judges the imperfect, one-sided principles embodied in the vanquished. History, the development of the idea of freedom, with all the changing scenes that its annals present, is indeed a sacred history, “the true Theodicaea, the justification of God,”<sup>15</sup> “the world’s court of judgment.”<sup>16</sup>

Most of the time, then, the Hegelian absolute marches with the big battalions; and since the victorious army or nation is always and necessarily its most perfect realization at that particular moment, one would conclude that for Hegel might is right. Hegel

<sup>12</sup> *Philosophy of History*, p. 159.

<sup>13</sup> “‘No man is a hero to his *valet-de-chambre*,’ is a well-known proverb; I have added—and Goethe repeated it ten years later—‘but not because the former is no hero, but because the latter is a valet.’” (*Ibid.*, p. 167.) See also pages dedicated to great men in general (*ibid.*, pp. 166-68), and to Alexander the Great in particular (*ibid.*, pp. 281, 282).

<sup>14</sup> *Ibid.*, p. 168.

<sup>15</sup> *Ibid.*, p. 369.

<sup>16</sup> *Philosophy of Right*, p. 110.

would say rather that right is right and might only a medium through which right affirms and vindicates itself. Be that as it may, Hegel has no qualms about war. It is necessary for the betterment of mankind. Perpetual peace is neither possible nor desirable. Through war "the ethical health of peoples is preserved"<sup>17</sup> and nations escape corruption "just as the blowing of the winds preserves the sea from the foulness which would be the result of a prolonged calm."<sup>18</sup>

## GOVERNMENT

Hegel is for an authoritarian government. He does not share the democratic belief that government receives its just powers from the consent of the governed nor is he for the division and separation of powers as advocated by Montesquieu.

According to Hegel, "those who know ought to govern."<sup>19</sup> Competent knowledge, experience, and a morally regulated will are the only qualities that obtain an individual a share in the government. As to sovereignty, it exists in the person of the ruler. Governmental power is divided into the legislative, executive, and monarchic branches. The legislative, "the power to determine and establish the universal,"<sup>20</sup> is to be divided into an upper house composed exclusively of great landowners and into a lower house consisting of representatives of each main branch of society such as traders and manufacturers—"representatives who are thoroughly conversant with it and who themselves belong to it."<sup>21</sup> Laws should be few and general in character, for they must state only universal principles and leave application and details to the executive. The executive, "the power to subsume single cases and the spheres of particularity under the universal,"<sup>22</sup> is to include the judiciary. Moreover, the members of the executive, the ministers of state, must be members *ex officio* of the legislative assembly with the right to speak and vote. The monarchic organ, "the will with the power of ultimate decision,"<sup>23</sup> is the most important of the three. It harmonizes the particular elements contained in the

<sup>17</sup> *Ibid.*, p. 107.

<sup>18</sup> *Ibid.*

<sup>19</sup> *Philosophy of History*, p. 368.

<sup>20</sup> *Philosophy of Right*, p. 90.

<sup>21</sup> *Ibid.*, p. 103.

<sup>22</sup> *Ibid.*, p. 90.

<sup>23</sup> *Ibid.*

other two organs, presides over their work, and shares in their functions. It transcends them, it gives them the necessary synthesis, it reduces them to unity. The monarch, to be sure, must be an actual person, one individual. He is at once "the apex and basis of the whole,"<sup>24</sup> he is the leader: "It is only as a person, the monarch, that the personality of the state is actual"<sup>25</sup> and achieves its true mode of existence.

It is true that in his political system, formulated in the years between Napoleon's defeat and death, Hegel bowed to public opinion and did not stress absolute monarchy. In fact, he spoke in favor of limited or constitutional monarchy. But an attentive reading reveals a marked sympathy for absolute monarchy if not for dictatorship.

#### PANTHEISM, RATIONALISM, MONISM

A general criticism of Hegel's philosophy, including his political doctrine, calls for three central remarks.

First of all, God is no longer He who is. He is merely the expression of a totality. The elements to which He gives life are not distinguished from Him. God is not transcendent but immanent. He is not the Creator. He is one with the reality with which He is confused.

Secondly, Hegel extols to absurd heights the power of man's reason; and logically to follow out his wrong premise he has to deny the existence of everything man's reason is unable fully to comprehend and explain, the problem of evil, for example. But his denial or suppression of certain major aspects of life and history merely emphasizes the insufficiency of reason. The "rational" is not all the "real." The "rational" is not always the norm of reality. One of Hegel's fundamental errors is simply this: he so confused human reason with absolute reason (divine reason) that he found it impossible not only to grasp but even to admit the existence of anything in reality outside the limited pale of man's intellect. .

Thirdly, Hegel denies that man is free and autonomous. For him the individual does not enjoy a personal dignity and sufficiency, an independent, concrete, spiritual life of his own. He is not *sui iuris*. The only way for him to live a worthy life is to submerge

<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*, p. 93.

himself into the state and lose himself in it. According to Christian philosophy, the state is but an element integrating the person of individual man. In Hegel's philosophy, the state is the true individual, the true person, and the sacred prerogatives of man's personality are transferred to it. More, the state acquires rights and privileges the human person has never possessed, belonging as they do exclusively to God. The Hegelian state is the very fountain of all authority. It claims not only legal but moral sovereignty as well, that is, the power to declare infallibly what is right and what is wrong. Hegel's concept of the state is pure "statolatry."

Religion itself is approved only when it merges completely into the state. Hence, Hegel's violent opposition to Catholicism for "in the Catholic Church . . . it is nothing singular for the conscience to be found in opposition to the laws of the state,"<sup>26</sup> and his preference for Protestantism, wherein, he claims, the religious conscience is neither separate from nor antagonistic to secular law.

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<sup>26</sup> *Philosophy of History*, p. 353.

## CHAPTER XXIII • *Tocqueville*

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### LIFE

ALEXIS CHARLES HENRI MAURICE CLÉREL DE TOCQUEVILLE was born in Verneuil, near Paris, on July 29, 1805. His father, Count de Tocqueville of an old aristocratic Norman family, was prefect of the *département* of Seine-et-Oise. After completing his studies in law, Alexis became a judge at the tribunal of Versailles. He was at this post when the Revolution of 1830 broke out, bringing the Bourbon monarchy to an abrupt end. Expecting little from the new regime of the Orléans and tired of his career in the French magistracy, he sought an opportunity to visit the United States. Since 1789 France had known a series of harrowing experiences and searched in vain for firm ground whereon to start social and political life anew. In America things seemed to have proceeded otherwise. There was something worth seeing and studying and appraising in a country where the democratic revolution had been accomplished in an orderly manner.

At this time France was displaying much interest in the question of prison reform. Tocqueville and a friend, Gustave de Beaumont, presented a report on the problem to the Ministry of the Interior and asked to be sent to the United States to study the American penal system. On May 10, 1831, the young lawyers landed in New York. Tocqueville remained in America only nine



months, but his exceptional power of observation enabled him to collect such a store of facts and ideas that the resulting *Democracy in America* has been justly considered the best foreign appraisal of American social and political institutions. The first volume was written in 1832-1834 and published in January 1835. Tocqueville then worked for five years on the second volume, which appeared in 1840.

The work made Tocqueville famous. He was hailed as "another Montesquieu"; his *Democracy* was soon translated into many languages; and in 1838, at the age of thirty-three, he was made a member of the French Academy. The following year he was elected to the Chamber of Deputies, where he sided with the constitutional opposition. In 1848 he accepted (not without reservation) the February Revolution, and as a deputy at the Constituent Assembly he voted with the moderate majority. In 1849 he became Minister of Foreign Affairs in Barrot's government. With his middle-of-the-road policy Tocqueville stood for French alliance with England against Russia and Austria, and favored, in the still restive European countries, the liberal and moderate parties. But his policy failed, particularly in regard to the Roman Question. Disavowed by the president of the ministers, he resigned October 30, 1849, and retired to Sorrento, in Italy, where he wrote his *Souvenirs*, published posthumously (1893). Later he returned to France and re-entered the political arena. Then, withdrawing definitely from public life, he resumed his studies and writing. In 1856 Tocqueville published the first part of *L'Ancien régime et la révolution*, which views the Revolution not as a break with tradition but as the final step in a long process of unification and equalization. He died in Cannes on April 16, 1859.

#### A VIEW OF HISTORY

A keen student of social and political history, Tocqueville saw its course dominated by three basic drives: man's irresistible tendency to absolute equality of condition, the state's effort to extend its sphere of action and to control the entire life of the individual, man's natural inclination to liberty. Equality of conditions, the essential and most striking mark of democracy, is here to stay whether one likes it or not. It may well represent a definite progress over the old class systems. It has its virtues; it is not without

its grave dangers. But total concentration of power in the state, the complete centralization of government and administration (to which even democracy may easily lead) is wholly unhealthy and harmful. Salvation rests, then, with man's undying passion for liberty and dignity. This it is that can keep the growing power of the state within bounds. This it is that can wisely guide the democratic revolution so as to offset its perils and render it profitable. How to attain democracy without succumbing to servitude, how to have democracy and preserve freedom, is then the main problem of our times. The study of its nature and the search for its successful solution are the impassioned concerns of Tocqueville's *Democracy in America*.

#### DEMOCRACY IN AMERICA

*Democracy in America* is divided into two parts. The first deals with the impact of democracy on the political life and institutions of the American people, the second with its impact on their private ideas, feelings, and manners. The closing chapters analyze the influence of democratic ideas and feelings on political society in general. Tocqueville concludes with a general survey of the subject.

In a masterful Introduction the author tells why he has undertaken the study of the nature and dynamics of democracy in a specific country and makes it clear that he is neither for nor against democracy. He does not write to praise or to condemn. His is an impartial appraisal of a system bound to be universally accepted. His only interest is to search for truth and to serve the cause of humanity by making democracy safe.

It is not, then, merely to satisfy a legitimate curiosity that I have examined America; my wish has been to find instruction by which we may ourselves profit. Whoever should imagine that I have intended to write a panegyric would be strangely mistaken . . . nor has it been my object to advocate any form of government in particular, for I am of the opinion that absolute excellence is rarely to be found in any legislation; I have not even affected to discuss whether the social revolution, which I believe to be irresistible, is advantageous or prejudicial to mankind; I have acknowledged this revolution as a fact already accomplished or on the eve of its accomplishment; and I have selected the nation, from among those which have undergone it, in which its development has been the most peaceful and the most com-

plete, in order to discern its natural consequences, and, if it be possible, to distinguish the means by which it may be rendered profitable. I confess that in America I saw more than America; I sought the image of democracy itself, with its inclinations, its character, its prejudices, and its passions, in order to learn what we have to fear or to hope from its progress.<sup>1</sup>

The central fact of democracy is equality—a general equality of condition among the people, which only subsequently and consequently brings political and economic equality. In Europe, throughout its history but especially since the dawn of the eleventh century, men have sought to achieve it. The gradual development of the principle of equality is a universal fact, a durable fact: “It constantly eludes all human interference, and all events as well as all men contribute to its progress.”<sup>2</sup> The democratic revolution, formidable as it is (and Tocqueville regards it with a kind of “religious dread”), cannot be resisted. The aristocratic society of yesterday, with its undeniable merits and glaring defects, is dead and buried. From its ashes has emerged a new society that can afford mankind a superior happiness provided it is guided, educated, purified, regulated. Otherwise man’s insatiable passion for equality will generate confusion, corruption, universal despotism, and slavery. Fortunately, it is within man’s power safely and advantageously to wield this two-edged sword.

#### DANGERS OF DEMOCRACY

Liberty is not equated with democracy.<sup>3</sup> Nor is the one neces-

<sup>1</sup> *Democracy in America*, Part I, Introduction. Selections from *Democracy in America* are taken from the translation of Henry Reeve published by Walker, New York, 1847.

<sup>2</sup> *Ibid.*

<sup>3</sup> “Although men cannot become absolutely equal unless they be entirely free, and consequently equality, pushed to its furthest extent, may be confounded with freedom, yet there is good reason for distinguishing the one from the other. The taste which men have for liberty, and that which they feel for equality, are, in fact, two different things; and I am not afraid to add, that among democratic nations, they are two unequal things. . . . I think that democratic communities have a natural taste for freedom: left to themselves, they will seek it, cherish it, and view any privation of it with regret. But for equality their passion is ardent, insatiable, incessant, invincible: they call for equality in freedom; if they

sarily the effect of the other. There is even the danger—and this is the gravest of the dangers of democracy—that equality and democracy exist without individual and social freedom.

Equality, once become a social condition, must necessarily make its way into the political world. According to Tocqueville, political equality is established in one of two ways: rights are granted either to every citizen or to none.

There is, in fact, a manly and lawful passion for equality, which excites men to wish all to be powerful and honoured. This passion tends to elevate the humble to the rank of the great; but there exists also in the human heart a depraved taste for equality, which impels the weak to attempt to lower the powerful to their own level, and reduces men to prefer equality in slavery to inequality with freedom.<sup>4</sup>

In political terms, the alternative is the sovereignty of all or the absolute power of one. Even the nation fortunate enough to escape a single person's despotic rule and, like the Americans, to choose the other system of government has not entirely averted the danger of tyranny. For the "sovereignty of the people" in democratic states is often but the tyranny of the majority, the despotism of the greater number.

To hold that the people have a right to do everything is absolutely absurd. To assert, further, that a people is always right in deciding its own affairs and that, consequently, full power may be granted the majority, which represents it—this is the prattle of the fool or the talk of the slave. "Unlimited power is in itself a bad and dangerous thing,"<sup>5</sup> whether held by a people or a monarch or an aristocratic senate. "I can never willingly invest any number of my fellow-creatures with that unlimited authority which I should refuse to any one of them."<sup>6</sup> Above the sovereignty of the people there is the sovereignty of mankind and, farther above, there is the sovereignty of God—who, because His wisdom and His justice always equal His power, is alone omnipotent. "The rights of every people are consequently confined within the limits of what is just."<sup>7</sup>

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cannot obtain that, they still call for equality in slavery. They will endure poverty, servitude, barbarism, but they will not endure aristocracy." *Ibid.*, Part II, Book II, chap. 1.

<sup>4</sup> *Ibid.*, Part I, chap. 3.

<sup>5</sup> *Ibid.*, chap. 15.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*



What is more, majority rule and democracy in general may exert a sinister influence on private opinion, the national character, the action of the intellect, the feelings and manners of the individuals.

As to the majority's influence on opinion,

so long as the majority is still undecided, discussion is carried on; but as soon as its decision is irrevocably pronounced, a submissive silence is observed. . . . The majority raises very formidable barriers to the liberty of opinion: within these barriers an author may write whatever he pleases, but he will repent it if he ever step beyond them. Not that he is exposed to the terrors of an *auto-da-fé*, but he is tormented by the slights and persecutions of daily obloquy. . . . Under the absolute sway of an individual despot, the body was attacked in order to subdue the soul; and the soul escaped the blows which were directed against it, and rose superior to the attempt; but such is not the course adopted by tyranny in democratic republics; there the body is left free, and the soul is enslaved.<sup>8</sup>

Not less degrading is the influence of the omnipotence of the majority on the national character. In democracies, public life is constantly mixed with domestic affairs. There, sovereign authority is everywhere and easily accessible. Many speculate on its weaknesses and passions, currying favors with the multitude, voicing slogans that please rather than principles that are unpopular but true. The result could be an extensive debasement of character both in the huge crowd that throngs the roads of power and the masses from whom power is received.

The operations of the mind may also be adversely affected by democracy and its majority rule. At first sight the danger here would seem to lie in the fact that equality of conditions leads men to consider themselves equal even intellectually and hence to alienate themselves from all outside sources of intellectual truth and spiritual enlightenment. Old systems and habits, family maxims, class opinions, the ties between generations, the authority of superior men, long established principles, at times even religious dogmas, are summarily discarded. In the movement that continually agitates a democratic community, one is incessantly thrown back on his own reason to seek in himself the light of truth and the standard of judgment. The practice of relying solely on one's

<sup>8</sup> *Ibid.*



own effort and testimony, as well as the tendency to reject or deny whatever one fails to understand with utter clarity, shuts each man in his own breast, surrenders him to his own guidance, separates him from his fellow men. "Men are no longer bound together by ideas, but by interests; and it would seem as if human opinions were reduced to a sort of intellectual dust, scattered on every side, unable to collect, unable to cohere."<sup>9</sup>

But this excessive independence of mind, this pernicious freedom of thought, is not without its limits. Relentlessly pursuing his analysis, Tocqueville cites another phenomenon in the intellectual life of democratic societies—an inverse movement of the spirit that carries with it new and more ominous implications. Man can never do without some principle of authority. In ages of equality this principle resides in the multitude and is expressed through public opinion, which then gains ascendancy as mistress of the world.

When the inhabitant of a democratic country compares himself individually with all those about him, he feels with pride that he is the equal of any one of them; but when he comes to survey the totality of his fellows, and to place himself in contrast to so huge a body, he is instantly overwhelmed by the sense of his own insignificance and weakness. . . . The public has therefore among a democratic people a singular power, of which aristocratic nations could never so much as conceive an idea; for it does not persuade to certain opinions, but it enforces them, and infuses them into the faculties by a sort of enormous pressure of the minds of all upon the reason of each. . . . For myself, when I feel the hand of power lie heavy on my brow, I care but little to know who oppresses me; and I am not the more disposed to pass beneath the yoke because it is held out to me by the arms of a million of men.<sup>10</sup>

What about the influence of democracy on men's feelings? Tocqueville answers this question by comparing conditions in aristocratic and democratic nations. Under the old structure, men were aware of a close bond between one generation and another; families remained for centuries in the same condition and frequently in the same place; each individual was conscious of being a link in a living chain. By the very nature of the aristocratic com-

<sup>9</sup> *Ibid.*, Part II, Book I, chap. 1.

<sup>10</sup> *Ibid.*, chap. 2.

munity, many were attached to something outside their own sphere for which they were ready to forget and sacrifice themselves. In democratic times instead, the sense of belonging diminishes as changes in families, in places, in conditions are constant: "the woof of time is every instant broken, and the track of generations effaced."<sup>11</sup> People become indifferent and strangers to one another. "Aristocracy had made a chain of all the members of the community, from the peasant to the king: democracy breaks that chain, and severs every link of it."<sup>12</sup> As individualism creeps into the new order, it disposes the community member to form a little circle of his own with his family and friends and leave the rest of society to itself. Social conditions being more or less equal, there is none to whom to owe anything, none from whom to expect anything. It is as though he stood alone, as though his whole destiny were in his own hands.

Thus not only does democracy make every man forget his ancestors, but it hides his descendants, and separates his contemporaries from him; it throws him back for ever upon himself alone, and threatens in the end to confine him entirely within the solitude of his own heart.<sup>13</sup>

#### IF DEMOCRACY IS TO BE MADE SAFE

Tocqueville is not looking at democracy through rose-colored glasses. He perceives grave dangers. But his apprehensions do not preclude hope and he grants that it is possible to make democracy safe. How? The first key to success is man's passion for liberty, the second is religion.

Although, for a moment, the saddening and chilling sight of the universal uniformity worked by democracy tempts Tocqueville to mourn the state of society that has ceased to be, he by no means suggests a return to aristocratic society. The democratic revolution has been willed by God. It marks a progress in man's history and condition.

We may naturally believe that it is not the singular prosperity of the few, but the greater well-being of all, which is most pleasing in the sight of the Creator and Preserver of men. What appears to me to be

<sup>11</sup> *Ibid.*, Book II, chap. 2.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

man's decline, is to His eye advancement; what afflicts me is acceptable to Him. A state of equality is perhaps less elevated, but it is more just; and its justice constitutes its greatness and its beauty.<sup>14</sup>

A constant sharp eye is necessary if the principle of equality is to lead not to servitude but to freedom. The most important task is to secure and maintain a free government. Tocqueville accepts the sovereignty of the people provided it is not unbounded. Furthermore, he would moderate it carefully by a web of free institutions. An independent press, local liberties, free associations, traditions, the legal profession—all these should act like so many concealed breakwaters checking the passions of the multitude, stemming the tide of popular opinion. The Americans “have combated by free institutions the tendency of equality to keep men asunder, and they have subdued it.”<sup>15</sup> Tocqueville insists chiefly on local liberties. For him decentralized administration is a very powerful deterrent to the excesses of democracy and the encroachments of the state. He is for centralized government, that is, for the concentration in one place or in the same persons of the legislative power in matters of national interest and in the conduct of foreign relations; but he is against centralized administration, that is, against the concentration, likewise in one place or in the same persons, of the direction of local interests. He is enthusiastic in his praise of the spirit of the New England townships and in his approval of the American system, whereby political life is infused into each portion of the territory “in order to multiply to an infinite extent opportunities of acting in concert, for all the members of the community and to make them constantly feel their mutual dependence.”<sup>16</sup> A decentralized system is a strong barrier to individualism: local freedom brings men together and forces them to help one another; it makes them realize that they are parts of a whole.

It is difficult to draw a man out of his own circle to interest him in the destiny of the state, because he does not clearly understand what influence the destiny of the state can have upon his own lot. But if it be proposed to make a road cross the end of his estate, he will see at a glance that there is a connection between this small public affair and

<sup>14</sup> *Ibid.*, Book IV, chap. 8.

<sup>15</sup> *Ibid.*, Book II, chap. 4.

<sup>16</sup> *Ibid.*

his greatest private affairs; and he will discover, without its being shown to him, the close tie which unites private to general interest.<sup>17</sup>

Tocqueville did not find it unusual to see Americans make generous sacrifices for the public good, and he attributes this selflessness to the free institutions of the townships and to their political rights. These have a thousand ways of reminding every citizen that he lives in society.

Second to local liberties as means for the salvation of democracy, Tocqueville sees its free associations, both civil and political.

Among democratic nations . . . all the citizens are independent and feeble; they can do hardly anything by themselves, and none of them can oblige his fellow men to lend him their assistance. They all, therefore, fall into a state of incapacity, if they do not learn voluntarily to help each other. If men living in democratic countries had no right and no inclination to associate for political purposes, their independence would be in great jeopardy; but they might long preserve their wealth and their cultivation: whereas if they never acquired the habit of forming associations in ordinary life, civilization itself would be endangered. A people among which individuals should lose the power of achieving great things single-handed, without acquiring the means of producing them by united exertions, would soon relapse into barbarism.<sup>18</sup>

Hence Tocqueville's emphatic assertion that in democratic countries the science of association is the mother science, to whose progress everything else is tied.

Other powerful counterpoises to the democratic element are the profession of law and the administration of justice. The members of the legal profession have, by their training, developed certain habits of regularity and order, a taste for formalities, and a regard for logical reasoning. These characteristics eminently qualify them to counteract the evils inherent in popular government. Tocqueville saw this sobering force at work in the United States.

When the American people is intoxicated by passion, or carried away by the impetuosity of its ideas, it is checked and stopped by the almost invisible influence of its legal counsellors, who secretly oppose their aristocratic propensities to its democratic instincts, their super-

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*, chap. 5.



stitious attachment to what is antique to its love of novelty, their narrow views to its immense designs, and their habitual procrastination to its ardent impatience.<sup>19</sup>

The lawyers exercise their restraining action in various ways. Firstly, through the courts. Empowered to declare laws unconstitutional, the American magistrates hold the people to consistency by at least obliging them to obey their own enactments. Secondly, through their public offices. In the legislative assemblies as well as in the administrative departments and agencies, they make their influence felt in both the formulation and the execution of the law.

In his treatment of the administration of justice, Tocqueville lauds the institution of the jury, whereby a certain number of citizens are selected and temporarily vested with the right to judge. The jury

cannot fail to exercise a powerful influence upon the national character. . . . It serves to communicate the spirit of the judges to the minds of all the citizens; and this spirit, with the habits which attend it, is the soundest preparation for free institutions. It imbues all classes with a respect for the thing judged, and with the notion of right.<sup>20</sup>

As bulwarks against the possible evils of democracy, religion goes hand in hand with liberty. Tocqueville tersely states that the two stand or fall together. "I am inclined to think, that if faith be wanting in man, he must serve; and if he be free, he must believe."<sup>21</sup> He finds this true in every age, under every form of government. He finds it more obviously true in ages and countries where equality of conditions prevails. Democracy tends to isolate man, to concentrate his attention on himself, to breed in him an excessive love for material gratification. Religion inspires other principles and desires. It lifts man's soul far above the treasures of the earth and the regions of the senses. It makes man socially conscious and responsible, thus drawing him away, at times at least, from the moorings of his solitary and sterile individualism.

Moreover, religion gives man a fixed point amid the constantly moving pageant of human affairs and the swirling current of hu-

<sup>19</sup> *Ibid.*, Part I, chap. 16.

<sup>20</sup> *Ibid.*

<sup>21</sup> *Ibid.*, Part II, Book I, chap. 5.



man opinions. The immutability of religion compensates for the ceaseless agitation and the frequent shifts in the political and social order. Again, religion greatly helps man resist the tyranny of the majority: for even to the largest majority no deference is to be paid whenever conscience or faith rules otherwise.

For Tocqueville, America was eloquent proof of the beneficial influence of religion on democracy. In the United States he did not see the unnatural and absurd conflict that certain partisans of liberty had tried to foster against religion in Europe. He even saw signs that pointed specifically to the Roman Catholic religion as the most powerful ally of liberty and democracy.

America is the most democratic country in the world, and it is at the same time. . . the country in which the Roman Catholic religion makes most progress. . . . The men of our days are naturally little disposed to believe; but, as soon as they have any religion, they immediately find in themselves a latent propensity which urges them unconsciously toward Catholicism. Many of the doctrines and practices of the Romish Church astonish them; but they feel a secret admiration for its discipline, and its great unity attracts them. . . . I am inclined to believe that . . . our posterity will tend more and more to a single division into two parts—some relinquishing Christianity entirely, and others returning to the bosom of the Church of Rome.<sup>22</sup>

<sup>22</sup> *Ibid.*, chap. 6. This is one of the numerous "prophetic" passages in *Democracy in America*. It would be interesting to list others and show how many have been vindicated by events. Among these are: (1) the determination of the factors (particularly America's emergence as a world power) that were to bring the president of the United States to the exercise of "almost royal prerogatives"; (2) America's "imperialist" war against Mexico, and Mexico's status as a small nation for a long time to come; (3) the prevalence and characteristics of the two-party system in the United States; (4) the inevitable growth of the American republic both territorially and numerically; (5) the reference to the United States and Russia as the two nations of the world "each marked out by the will of Heaven to sway the destinies of half the globe," and to the conditions under which each was to rise to its present-day dominance; (6) the rise of an aristocracy of manufacturers or "class of masters," the harshest that ever existed, unless strong measures would be taken (such as a gradual wage increase) to make the interests of the working class prevail. Of his predictions that were not realized, two may be cited. (1) Tocqueville said that the Indians would never become civilized and that eventually they would be exterminated by the Whites. There are probably more Indians in the United States today than in Tocqueville's time, many of them successful and respected. (2) Tocqueville foresaw a war to death between the

Tocqueville saw in America the proper climate for the spread and usefulness of religion in the democratic state. First, religion exercises self-restraint and its ministers take no part in worldly affairs and political animosities.

In America religion is a distinct sphere, in which the priest is sovereign, but out of which he takes care never to go. Within its limits he is the master of the mind; beyond them, he leaves men to themselves, and surrenders them to the independence and instability, which belong to their nature and their age.<sup>23</sup>

Second, religion and its ministers, while uncompromisingly holding and guarding the essentials, that is, the eternal truths embodied in the articles of faith, are not too minute, formalistic, and peremptory about nonessentials. Third, the ministers of religion take a warm interest in their contemporaries, never allowing the primary and eternal objects to make them oblivious of the day-to-day struggles and problems and successes of the common man.

#### MAN'S FREEDOM AND RESPONSIBILITY

In its passion for liberty and in its religious beliefs, then, mankind has the means for steering clear of the dangers of democracy. A sedulous vigilance is the price for the successful building of that new society wherein everyone will enjoy equality without being crushed by it. If they will it, men can be equal and yet remain free. *If they will it*—for man's destiny is to a large extent in his own hands. Tocqueville rejects as false and cowardly the theory that man is an animal driven by necessity, a slave of his environment, hopelessly bound by inexorable physical forces and blind historical laws. Nothing could be farther from his philosophy than the doctrine of his friend, Count de Gobineau, who in his *Essay on the Inequality of the Human Races* (1854) advanced

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Negroes and the Whites in the South. The Civil War (1861-1865) came, but no Negro uprising took place. On the contrary, relations between the two races have improved and the easing of tensions, though gradual, continues. In reality, *Democracy in America* is a monumental and timeless work not so much because of its author's good guesses but because of his remarkable perception of the permanent and universal principles underlying the ideas and the workings of democracy.

<sup>23</sup> *Ibid.*, chap. 5.

an early theory of Nordic racial superiority and advocated a most radical racial determinism. The closing lines of *Democracy in America* beautifully reaffirm Tocqueville's faith in man's freedom and responsibility:

It is true that around every man a fatal circle is traced, beyond which he cannot pass; but within the wide verge of that circle he is powerful and free; as it is with man, so with communities. The nations of our time cannot prevent the conditions of men from becoming equal, but it depends upon themselves whether the principle of equality is to lead them to servitude or freedom, to knowledge or barbarism, to prosperity or wretchedness.<sup>24</sup>

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<sup>24</sup> *Ibid.*, Book IV, chap. 8.

## CHAPTER XXIV • *Marx*

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### LIFE

KARL HEINRICH MARX was born May 5, 1818, in Trier, an ancient town in the German Rhineland under French rule during the Napoleonic regime but part of the Prussian kingdom after the Vienna settlement of 1815. Marx's ancestry on both the paternal and the maternal side included generations of rabbis and Talmudic scholars. From them Marx inherited a Messianic spirit, a tendency to read the future, and a passion for subtle disputation. But he received none of their love for Judaism, none of their attachment to his people. In fact, his origin ever remained his secret tragedy. He looked upon it as a personal stigma. In an effort to explain away the Jewish problem, he once remarked that the Jews were a purely economic unit reduced to usury and other unpleasant professions by the hostility that surrounded them. The emancipation of society, Marx continued, would emancipate the Jews and end the Jewish problem.<sup>1</sup> Several times he could not refrain from anti-Semitic outbursts and, on the whole, his attitude toward his people and their institutions was one of aloofness if not of aversion.

<sup>1</sup> These ideas were expounded by Marx in an essay on the Jewish Question written early in 1844 for the *Deutsch-französische Jahrbücher*, a periodical published in Paris by Ruge (editor) and Marx (associate editor). Only two numbers of this journal appeared.



When Karl was six, his father, a lawyer and a disciple of Voltaire and Diderot, had the entire family baptized in the Protestant church. It was a step dictated more by social expediency than inner conviction. Some years before he had changed his name from Herschel Levi to Heinrich Marx.

The young Marx attended the Trier schools until he entered the University of Bonn at the age of seventeen. A year later (1836) he transferred to the University of Berlin, where he soon gave up the study of law for philosophy. Though he completed all his courses there, he received his doctorate at Jena in 1841. His thesis on the "Differences between the Natural Philosophy of Democritus and That of Epicurus" highly praises the latter and presents Prometheus as humanity's hero for his open defiance of the gods. Better to be chained to a rock and eaten by vultures than be a meek servant of Zeus—this seems the general idea of the dissertation. The motto affixed to it is from Prometheus' words in the Aeschylean tragedy: "I hate all the gods."

This hatred of the divinity is the most fundamental and consistent point in Marx's life and theories. As far as can be gathered from the available records, there were doubts, vacillations, changes on all other questions. But from beginning to end Marx was against all religions, against all gods, against God. The significance of this fact must not be underestimated.

While at the university Marx fell under the spell of Hegel's philosophy. He fast became wholly Hegelian, but a leftist Hegelian. In the German universities of the time there were two Hegelian schools: the conservative school, holding state and church in great respect, and the young rebel school, which used Hegel's principles to fight state absolutism and to advocate freedom from religion, especially from Christianity. Marx, with Bruno Bauer, Moses Hess, and Arnold Ruge, sided with the radical school.

Before long, his virulent, antireligious articles so angered the Prussian government that he was barred from an intended teaching career. Marx turned to journalism. In the fall of 1842 he became editor of the *Rheinische Zeitung*, but his atheism led to the paper's suppression. In November 1843, finding the Prussian atmosphere "really too intolerable and asphyxiating," Marx emigrated to France with his wife Jenny, whom he had married that same year. She was the daughter of a good friend of his family,



Baron Ludwig von Westphalen, a Prussian official, and Marx had loved her since his school days in Trier. She proved a faithful wife, remaining constantly and affectionately at his side until her death in 1881. Together they endured exile, poverty, persecution. Together they mourned the premature death of several of their children.<sup>2</sup>

The Parisian years (1843-1845) were the most decisive for the development of Marx's thought. It was in Paris that he became a communist. There he changed his attitude toward Hegel, shedding forever the latter's idealism while retaining the dialectic method as the basis for his own historical materialism. It was in Paris too that Marx met for a second time (end of August, 1844) the man who was to be his devoted friend and genial collaborator—Friedrich Engels (1820-1895), a fellow Rhinelander, the son of a rich cotton manufacturer in Barmen, Germany, and Manchester, England. From the day of their Paris meeting the two were inseparable. Marx relied on Engels as his best disciple and interpreter. Engels admired Marx and encouraged him in every imaginable way—ghostwriting for him, sharing his capitalistic wealth with him, defending him against all adversaries during his stormy life and after his death. For Engels, Marx was a prophet, an inspired leader, the greatest man ever born. For Marx, Engels was a staunch supporter on whom he could rely in every contingency, his "chief of staff," capable of perfectly understanding his message and of faithfully implementing his plan of action.

At the beginning of 1845 Marx was expelled from Paris. With his wife and year-old daughter he went to Brussels. In Belgium he established contact with the various German Communist Workers' organizations and with Belgian socialists and radicals, and engaged in extensive correspondence with members of similar associations in other countries.

In November 1847, the London center of the Communist League asked him to prepare a "confession of faith," a communist catechism formulating clearly the principles and aims of what was then a little known and small communist association. Marx

<sup>2</sup> One of their children was born dead; three died young in London: Guido and Franziska in infancy; Edgar at the age of eight; Jenny Longuet, the oldest daughter, died suddenly in Paris in 1883 (before Marx's death); Eleanor Aveling and Laura Lafargue committed suicide in 1898 and 1912 respectively.

enthusiastically undertook the task. He drafted the document in collaboration with Engels and, in early 1848, delivered it to those who had requested it. In February of that year the *Communist Manifesto* was published—a small pamphlet, bound in green, with the title *Manifest der Kommunisten*. As soon as the book appeared, its author and his family were expelled from Belgian territory. Marx reached Paris the day after the outbreak of the February Revolution. Cutting short their stay, he and Engels returned to Germany to edit a new daily paper, the *Neue rheinische Zeitung*. Its first number was published in Cologne on June 1, 1848; its last, set up entirely in red type (*die rote Nummer*), on May 19, 1849.

During those fateful months, when Europe was ablaze and revolution was the order of the day in most capitals, Marx went all the way in everywhere supporting the rebels, denouncing the Prussian government, and demanding immediate war with Russia. His articles and his collaborators' were consistently violent and inflammatory. Finally Marx was arrested for incitement to sedition. Tried before a Cologne jury, he was acquitted but ordered to leave the Rhineland. Back in Paris, he was immediately asked by the French government to retire to Brittany or quit France. Marx thereupon left for London, where he arrived August 24, 1849.

For several long years Marx's life in London was marred by destitution and obscurity. At times he had to pawn his wife's family silver and even his own clothes. There were creditors after him constantly. He moved from one squalid apartment to another. When one of his daughters died, he had to borrow two pounds sterling from a fellow refugee for the coffin. Once the situation became so desperate that he, who had always refused to become a bourgeois "money-making machine," applied for a job as book-ing clerk with a railroad company. The application was turned down because of his illegible handwriting. Marx never tired of turning to Engels for financial help, and Engels tried never to fail his unfortunate friend. For about ten years Engels wrote some of the articles Marx contributed to the *New York Daily Tribune* and for which he received one pound sterling per article. Finally Engels sold his part of the family business and made Marx the beneficiary of a permanent annuity that made it possible for him to live his last years in sufficient comfort.

In 1864 the "International Working Men's Association" (the

First International) was formed. Upon invitation, the forty-six-year-old Marx joined its General Council, wrote its statutes, composed the inaugural address. Soon, while the International was growing rapidly, he became its sole leader. But in 1871 his public stand in favor of the terrorist activities of the Paris Commune shocked and alienated many members of the International. Later Marx bitterly opposed Bakunin, a fellow member, refused to compromise with him, and finally had him expelled.<sup>3</sup> These and other manifestations of Marx's ruthless and dictatorial leadership led to the dissolution of the First International. Its last meeting was held in Philadelphia in 1876 but from the practical standpoint it had died much earlier.

In the meantime, Marx continued to study and write incessantly. In 1852 he published *The Eighteenth Brumaire of Louis Napoleon*, in 1859 the *Critique of Political Economy*, and in 1875 *Critique of the Gotha Programme*. The first volume of his most remarkable economic treatise, *Das Kapital*, was published in 1867 and soon translated into French, English, Russian, and Italian. Volume II and Volume III (completed by Engels) appeared posthumously in 1885 and 1894.

In 1881 Marx's wife Jenny died of cancer. Marx himself lived only another two years. In 1882, at the suggestion of his doctors, he went to Algiers and then to the French Riviera. He returned to London still unwell, more restive, irritable, and tired. Death came to him March 14, 1883, while he was asleep in an armchair in his study. He was sixty-four years old. At the burial in Highgate Cemetery only a few relatives and friends were present. Engels delivered the funeral address.

## MATERIALISM

Marxism is, first of all, a materialistic philosophy. Its fundamental idea is the primacy of matter. Ultimately, for Marx, only matter counts. As God is the center-principle, the supreme reality in Christian doctrine, so, in Marx's theory, matter is the first and only real principle. Matter, however, is not static. Fluent and

<sup>3</sup> Appalled by Marx's despotic methods, a disillusioned Bakunin (1814-1876) cried out on that occasion: "I hate Communism. . . . It is the negation of liberty!"

dynamic, it moves, evolves, and progresses continuously. Movement, Engels says, is matter's mode of existence. Marx accepts the Darwinian theory of biological evolution and then applies it to the history of man and society. The movement of matter takes place in two ways. There is a gradual and uniform progress, causes and effects following in regular succession as links in a chain. Or there is a sudden, cataclysmic break, a sort of jump at the climax of the transitional point, which effects not only quantitative but also qualitative changes. Marx's view of the movement of matter as a continuous transformation toward an indefinite betterment differentiates his philosophy and the crude materialism of the eighteenth century. Marx's matter is vitalized by an intrinsic energy that makes possible the appearance of rationality and the growth of ideas in man. His materialism, strangely reminiscent of primitive man's animistic beliefs, is consistent with a belief in the *spirit*; but that spirit is nothing other than a product of matter or, rather, a higher phase in the evolution and transformation of matter itself.

#### DIALECTICAL MATERIALISM

In further explaining the movement of matter, Marx introduces into his materialistic philosophy a new element, a cosmic law. The essence of matter, and of life *tout-court*, is a perennial conflict. Matter has in itself its own contradiction. Matter inevitably progresses through a perpetual tension and a struggle of opposites. A material state or condition that a preceding conflict has made dominant (thesis) is immediately threatened by another incompatible material force (antithesis). The clash of the two results in the destruction of both rival forces and the rise of a third force (synthesis), which is in turn automatically confronted by its own negation, and so on, in a continuous composition and decomposition of colliding forces. This is the inexorable law that governs the progress of matter. This is the meaning of "dialectical materialism." The framework of this aspect of Marx's system is obviously an adaptation of Hegel's dialectical doctrine. What Hegel says concerning the manner in which the *idea* evolves Marx applies to *matter*. Marx admitted the Hegelian foundation of this approach. In the preface to the second edition of *Das Kapital*, he describes his view as "Hegel's dialectic turned upside down."



## HISTORICAL MATERIALISM

In applying his dialectical materialism to history, Marx begins by stating that human history, like nature and natural developments, is governed by objective, inflexible laws. There is nothing accidental in history. Whatever happens has to happen and could not happen otherwise. Furthermore, all these laws, although independent of human will, can be gradually discovered. Thus the study of history becomes an exact science of successive actions and reactions. Men are able to penetrate the secret reasons of its working. Eventually, having mastered the historical necessity, they will be in a position to foresee the future and achieve perfect freedom.<sup>4</sup>

The laws of history are based exclusively on the material conditions of human life, that is, on the economic factor. According to Engels, this proposition forms the nucleus of the *Manifesto*:

In every historical epoch, the prevailing mode of economic production and exchange, and the social organization necessarily following from it, form the basis upon which is built up, and from which alone can be explained the political and intellectual history of that epoch.<sup>5</sup>

The economic factor or, rather, the productive forces in themselves and in their complex interplay provide the only clue to the meaning of history, the history of ideas and ideologies included. Marx does not deny man's ability to think, to calculate, to plan. He even admits a sort of "spiritual life" in man but he is quick to qualify it as secondary to and derivative of the material. Man's thoughts and plans and inventions are but the necessary product of economic development; economic conditions are the causes of all the ideas and ideal motivations the human mind and conscience have ever known. Engels again, in his funeral oration on Marx, emphasized the point:

He [Marx] discovered the single fact . . . that mankind must first of all eat and drink, have shelter and clothing, before it can pursue

<sup>4</sup> For Marx (and for Engels) freedom does not consist in the power of self-determination and voluntary choice in view of this or that motive. It consists in a correct understanding of the inexorable social laws, in a grasping of the true facts of the historical situation, and in a conscious adaptation of one's life and actions to them. This is a concept of freedom similar in some respects to that of Hegel and that of Spinoza.

<sup>5</sup> *The Communist Manifesto*, Engels' Preface to the English Edition of 1888 (New York: Appleton-Century-Crofts, 1955), p. 5.



politics, science, religion, art, etc.; and that therefore the production of the immediate material means of subsistence and consequently the degree of economic development attained by a given people or during a given epoch, form the foundation upon which the State institutions, the legal conceptions, the art and even the religious ideas of the people concerned have been evolved, and in the light of which these things must therefore be explained, instead of vice versa.<sup>6</sup>

As a further consequence of this view, nothing is immutable. There are no eternal principles, no permanent ideas, no stable institutions. As soon as the mode of production changes, principles, ideas, and institutions change. And change they must, conditioned as they are by the all-powerful driving force of history, which explains "the formation of ideas out of material practice."<sup>7</sup> Hence the creation, by each historical period, of its peculiar principles and laws of evaluation.

#### THE CLASS STRUGGLE

In his application of dialectical materialism to history, Marx asserts that man's social evolution (the passage from one mode of production to another) does not always occur through gradual, almost imperceptible progress. There are moments in history when changes take place through a sharp break with tradition, through a creative revolution. Then the violence that accompanies the clash of rival social forces is so intense as to effect a transformation in the very medium in which it occurs. Dialectical materialism, defying the principle of contradiction, considers matter as containing its own negation, as perennially conflicting, as resolving each conflict only to conflict again. Historical materialism places class struggle at the very heart of the conflict. The class is for Marx the natural group, and by class he means a social fact—a group of individuals in society who find themselves in the same material conditions and share a common economic status in that society. Each group, each class, is engaged in a common struggle against another class. Men, as individuals, may show or take no interest in the struggle. Not so the social groups, the classes, who are

<sup>6</sup> Engels' Funeral Oration, in *Karl Marx: Selected Works* (London: Lawrence and Wishart, 1942), Vol. I, p. 16.

<sup>7</sup> Marx, *The German Ideology*, cited in E. Rogers, *A Christian Commentary on Communism* (New York: Praeger, 1952), p. 85.

faced with the problem of life and death. Their destiny, the very essence of their being, is to fight one another until both perish and historical development reaches a new, more advanced stage. So much so that a group of individuals forms a class only when engaged in such a struggle.

The class struggle, with its heavy accompaniment of hatreds, instabilities, and revolutions, Marx continues, is a natural, inevitable, healthy phenomenon. It is to be welcomed, encouraged, fostered, for the conflict of one class with another is the only way to progress and final deliverance. At length, the antagonism between classes will take a last form. When this too will have disappeared, the conflict will likewise disappear. Men will be liberated from their slavery to one another. Men will at last taste freedom and live happily ever after.

#### THE FIVE AGES OF HUMAN HISTORY

Marx found proof in history for the validity of his system. According to him, his theory of materialistic, dialectical, historical becoming is clearly vindicated by the various phases through which man has passed since his appearance on earth. These principal phases or ages have all been conditioned by the economic factor. In each of them, social institutions, moral beliefs, and ideologies (the superstructures, as he calls them) have been the product of the mode of production and economic conditions of that particular age. Each historical phase has been cut from the preceding by a violent revolution.

(1) The first human age was that of primitive communism. Men, just born of beasts, were preoccupied solely with the problem of survival. Equality, freedom, collective ownership, and communal work characterized their mode of life.

(2) The second age was that of ancient society, founded on the master-slave relation. With the introduction of agriculture, cattle breeding, trades, and the division of labor, private property appeared. A minority, in possession of the means of production (such as iron axes and plows), was able to control the majority. The class struggle began. On one side there were the few—wealthy, free, owners, masters; on the other, the many—possessing nothing, subjects, slaves.

(3) The third age was that of feudal society, a result of the

progressive improvement of the means of production that called in turn for a certain amount of initiative in the laborer and the incentive of a minimum of profit. The new society was based on the lord-serf relation. Still the majority (the exploited) was at the mercy of a minority (the exploiters).

(4) The fourth age—the present—is that of capitalism. This era is the result of the passage from artisan to mechanized and industrial production. The serf is replaced by the worker, the proletarian; the feudal lord, by the capitalist. Again, the few own the means of production. The many, though no longer bound to a lord, are still deprived of the means of production and, so as not to die of hunger, must sell their labor, thus subjecting themselves to exploitation.

(5) The fifth age, that of communist society, is the one that must inevitably come. In fact, men are already witnessing the fateful passage from the capitalist system to the socialist and communist structure of society. Marx has several things to say about this transition and the new era, in both the *Communist Manifesto* and *Das Kapital*.

#### SURPLUS VALUE

According to Marx, the conflict between the two classes (the two social groupings that embody the dialectical contradiction today) stems essentially from an intolerable fault inherent in the capitalist system—the creation of surplus-value. In Marx's theory of labor, the sole constituent of the commercial value (the price) of an object or commodity is the average amount of human labor (preponderantly manual labor) directly or indirectly expended in its production. Labor becomes the source and the measure of value, the over-all if not the lone factor in the production and evaluation of wealth. It follows that wealth, produced by labor, ought to go to the laborers. But in capitalist society this is not so. The worker is obliged to sell his capacity for work, his labor-power. For this *commodity* he receives a subsistence wage, a price, proportional to the amount of labor, barely sufficient to keep him alive, healthy, and efficient. At the same time the worker produces commodities of a value far in excess of his wage. This difference, this definite residue that the worker has added to the total wealth of society, this "surplus-value" as Marx calls it, is pocketed by his

employer. This is the exploitation, the robbery, to which the capitalist system sacrifices the worker. This is what makes capitalism intrinsically wrong, for its very end is the production of surplus-value. Surplus-value is what produces "capital," for production of surplus-value is the absolute law of its mode of production. In this consists the evil of the profit motive, vital to capitalism.

Capitalist production is not merely the production of commodities, it is essentially the production of surplus-value. The labourer produces, not for himself, but for capital. It no longer suffices, therefore, that he should simply produce. He must produce surplus-value. . . . To be a productive labourer is not a piece of luck, but a misfortune.<sup>8</sup>

### PRIVATE PROPERTY AND THE BOURGEOIS STATE

Private property and the bourgeois state are the natural allies and supporters of the capitalist system. Both make it possible for the owners of the means of production to steal, to keep the stolen goods, to continue stealing. Collaboration with them is neither possible nor desirable. Capitalism will be destroyed only when private property gives place to collective ownership of the means of production, and the bourgeois state to a new social order. At length, this is what will happen—Marx never doubts it; he already sees the writing on the wall of history.

### THE SOCIAL REVOLUTION

How will it happen? Through a violent revolution. The dynamics of capitalism are such that it tends of necessity constantly to increase capital, to accumulate more and more of it, to concentrate it in fewer and fewer hands. This is what Marx calls "the law of centralization of capital," a law that inexorably demands "concentration of capitals already formed, destruction of their individual independence, expropriation of capitalist by capitalist, transformation of many small into few large capitals."<sup>9</sup> Furthermore, this law of centralization will bring unemployment; unemployment will breed pauperism.

Along with the constantly diminishing number of the magnates of capital, who usurp and monopolise all advantages of this process of

<sup>8</sup> Marx, *Capital* (New York: The Modern Library, 1906), p. 558.

<sup>9</sup> *Ibid.*, p. 686.



transformation, grows the mass of misery, oppression, slavery, degradation, exploitation; but with this too grows the revolt of the working-class, a class always increasing in numbers, and disciplined, united, organised by the very mechanism of the process of capitalist production itself. The monopoly of capital becomes a fetter upon the method of production, which has sprung up and flourished along with, and under it. Centralisation of the means of production and socialisation of labour at last reach a point where they become incompatible with their capitalist integument. This integument is burst asunder. The knell of capitalist private property sounds. The expropriators are expropriated.<sup>10</sup>

### THE COMMUNIST PARTY

The social revolution is inevitable. It will come as the irreversible consequence of historical laws, which operate independently of human will. The clock of time cannot be stopped or put back. It will strike the fatal hour sooner or later. However, the revolution may be accelerated by making the masses conscious of the true situation and their destiny, by ripping off the mask of bourgeois respectability, by organizing and readying the proletarian forces for the ultimate crisis. This is the task assigned the communist party. The communists

point out and bring to the front the common interests of the entire proletariat, independently of all nationality; [and] in the various stages of development which the struggle of the working class against the bourgeoisie has to pass through, they always and everywhere represent the interests of the movement as a whole. The Communists, therefore, are on the one hand, practically, the most advanced and resolute section of the working-class parties of every country, that section which pushes forward all others; on the other hand, theoretically, they have over the great mass of the proletariat the advantage of clearly understanding the line of march, the conditions, and the ultimate general results of the proletarian movement.<sup>11</sup>

### THE DICTATORSHIP OF THE PROLETARIAT

Between the overthrow of both the capitalist system and the bourgeois state and the rise of the new society, Marx allows for

<sup>10</sup> *Ibid.*, pp. 836, 837.

<sup>11</sup> *The Communist Manifesto*, p. 23.



the interim rule of the proletariat organized into a governing class: "the dictatorship of the proletariat." True, the state as an instrument of exploitation will have ceased as a result of the social revolution; but then a new form of state with highly intensified functions will have been set up. Through it the majority, then in control, will dictate its will to the minority, break forever all the superstructures proper to the past system, empty the heart and mind of all old attachments and beliefs, purify the entire world. The dictatorship of the proletariat is the crucible wherein history and mankind will be renewed.

### THE NEW SOCIETY

Finally, this form of state too will have served its purpose. The state, to use Engels' significant expression, "will wither away." The proletarian class will itself disappear. Together with selfishness, force and coercion will vanish from human relations. The last and lasting synthesis, the new society will emerge in its indescribable beauty, with its unimaginable delights. No longer will legendary angels keep shut the gates of the earthly paradise. In the new economy, the principle of distribution will be "from each according to his ability, to each according to his needs."<sup>12</sup> *Men* will no longer be governed; *things* only will be administered. This is the stateless, classless, communist society "in which the free development of each is the condition for the free development of all."<sup>13</sup>

### MARXISM AND CHRISTIANITY

The mere exposition of Marx's system demonstrates clearly its incompatibility with Christian principles. It is obvious that in Marx's doctrine of dialectical and historical materialism

there is no room for the idea of God; there is no difference between matter and spirit; between soul and body; there is neither survival of the soul after death nor any hope in a future life. . . . Communism, moreover, strips man of his liberty, robs human personality of all its dignity, and removes all the moral restraints that check the eruption

<sup>12</sup> Marx, *Critique of the Gotha Programme, Selected Works*, Vol. II, p. 566.

<sup>13</sup> *The Communist Manifesto*, p. 32.

of blind impulses. There is no recognition of any right of the individual in his relations to the collectivity; no natural right is accorded to human personality, which is a mere cog-wheel in the Communist system. . . . Nor is the individual granted any property rights over material goods or the means of production. . . .<sup>14</sup>

The well-grounded Christian needs no further refutation of Marxism. Having grasped its basic tenets, which is to say, its basic fallacies and weaknesses, only one conclusion is in order: "Communism is intrinsically wrong, and no one who would save Christian civilization may collaborate with it in any undertaking whatsoever."<sup>15</sup>

#### MARXISM AND REASON

Prescinding from its irreconcilability with Christianity, Marx's doctrine proves wrong even when tested against the principles of sound reasoning. Despite his boasts to the contrary, Marx uses methods and voices assertions thoroughly unscientific. His view of history and historical laws is a crude over-simplification of the complicated framework and interplay of social phenomena. He patently denies the principle of contradiction, the very foundation of true speculative and practical knowledge. He considers one element of history (the economic factor) the only key to the evaluation and interpretation of all human history, while experience teaches that many another element (great men, nationalist sentiment, and religious belief, for example) has at least concurred to an equal degree in the shaping of man's progress and civilization. Marx uncomfortably shifts ground on this very question. Does he believe in the all-embracing, iron law of economics, or does he believe in the intelligence, free will, and creative determination of man? On the one hand he says that the economic factor alone makes history, all other factors being merely superstructures; on the other, he states that once man has understood the laws of society he is able to dominate and direct the course of history. He cannot have it both ways. His application of dialectical materialism to history involves a similar incoherence. If the three phases

<sup>14</sup> Pius XI, *Encyclical Letter on Atheistic Communism* (Washington, D.C.: N.C.W.C., 1937), §§ 9, 10.

<sup>15</sup> *Ibid.*, § 58.

of thesis, antithesis, and synthesis constantly mark the evolution of matter, if the cosmic law is a perennial struggle of opposites, if every synthesis contains its own negation, how is it possible to reach a stage wherein social conditions will be such as to form a unique synthesis devoid of its own negation, a synthesis that will stay static, perfect, changeless, forever?

Even if one were to concede its feasibility on philosophical grounds, Marx's final synthesis is still so childishly utopian that one wonders how gullible he believed his followers to be. His earthly paradise, the perfectly happy, classless, and stateless society, necessarily involves a complete revolution in human nature. Against the overwhelming data of experience and psychology, we have only Marx's word that the unattainable will eventually be attained.

That Marx, a poor reader of past history, equally failed to read the future is further evidenced by his prediction of the inevitable worsening of workers' conditions under the capitalist system. The fact is that in the highly industrialized countries of today a marked amelioration of social ills has been consistently if slowly effected. Capitalism as a tool of oppression and exploitation (so justly condemned by Marx) is on the wane. Capitalism has not deteriorated. It has changed for the better to a notable extent at least. It is precisely in the industrialized countries that the class struggle has practically ceased, while the sporadic social revolutions to date, both in the West and in the East, have arisen out of pre-capitalist systems.

In addition, students of economics deny the validity of the labor theory of value and surplus-value. Manual labor is not the predominant factor in modern production. Correctly to explain the enormous productivity of modern industry and the increase in capital, one must take into account many other contributing factors such as personal ability, technical skill and knowledge, as well as the existence of competition and the relation of supply to demand.

Students of politics also strongly attack Marx's idea of a transitional period under the dictatorship of the proletariat. Marx, they justly argue, so sensitive to the evils of the concentration of wealth, is totally blind to the evils of the concentration of power. Dictators, history has proved again and again, are incapable of voluntary abdication. How, then, will the state wither away?

It may be added, finally, that hatred, which Marx so im-

placably willed and so carefully sowed in the hearts of his followers, will never lift the world an inch. "Many dark hells have been built on hatred, and darker ones may still be built, but paradises, even earthly, not now or ever."<sup>16</sup>

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<sup>16</sup> G. Manacorda, *Comunismo e Cattolicesimo* (Milano: Garzanti, 1953), p. 7.

## CHAPTER XXV • *The Fabians*\*

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### THE FABIAN SOCIETY

IN THE 1880's, in England, a small group of social reformers dubbed themselves the Fabian Society. The name chosen was that of the Roman general Fabius Cunctator, who waited for the right moment "when warring against Hannibal, though many censured his delays; but when the time came, he struck hard." The Fabian Society is the oldest socialist society in the world, and the most successful: it has never had a split, and its tenets today are the same as when it was founded. It was the matrix from which the British Labor Party was produced, and it still is the "Brains Trust" of the same Labor Party.

The Fabian Society originated with a small group of persons who had gathered around a peripatetic Scot, Thomas Davidson (1840-1900), to study ethics. Born into a peasant family, after a brilliant career at Aberdeen University, Davidson settled in the United States, visiting England from time to time. He had been much influenced by Antonio Rosmini-Serbati (1797-1855), whose works he had translated into English, and whose life he had written. Davidson founded an association called the Fellowship of the New Life, which on November 23, 1883, passed the following resolution: "The members of the Society assert that the competitive system assures the happiness and comfort of the few at the

\* An essay written especially for this work by Anne Fremantle.



expense of the suffering of the many and that Society must be reconstituted in such a manner as to secure the general welfare and happiness."

On January 4, 1884, a majority of the members of the Fellowship of the New Life decided to secede and to form a society more practically tailored to achieve the above aim: the reconstruction of society. This seceding group of a dozen men, calling itself the Fabian Society, from the first proposed to devote itself to achieving its aim by the study of social questions and by spreading information about them. With this in view, the members of the Society—which numbered only 130 in 1889 at the time of the first Annual Report—studied, gave lectures and published Tracts, ten in the first five years.

With the publication in 1889 of *Fabian Essays*, lectures delivered by the seven then most distinguished and active members of the Fabian Society, Fabian theory became widely known and the Fabians became politically as well as ideologically important in England. The "seven" were:

George Bernard Shaw (1856-1950), Irish dramatist and critic. He was born in Dublin, of a Protestant family, but migrated to London at the age of eighteen. In addition to writing many of the Fabian tracts, Shaw was editor of the *Fabian Essays* at its first printing, and again in 1908, 1931 and 1949.

Sidney Webb (1859-1947). The first of his many tracts for the Society was *Facts for Socialists*. In 1894 he was elected to the London County Council. That same year he and his wife Beatrice published their *History of Trade Unionism*. In 1895 the Webbs founded the London School of Economics, and in 1913 the *New Statesman*. In 1918 Sidney Webb wrote the new constitution for the Labor Party: *Labor and the New Social Order*. In 1929 he was elevated to peerage as Lord Passfield and made Colonial Secretary.

Graham Wallas (1858-1932), English political scientist. He was a lecturer at the London School of Economics from 1895 to 1923 and a professor at the University of London from 1914 to 1923. He is the author of *Human Nature in Politics* (1908).

Sydney Olivier (1859-1943). An English administrator, he filled with distinction such prominent posts as Governor of Jamaica and Colonial Secretary. In the 1924 Labor Government he was made Secretary of State for India.

William Clarke (1852-1901), leader writer for *The Spectator*, the oldest English weekly.

Hubert Bland (1856-1914), a journalist.

Annie Besant (1847-1933), *née* Wood. She married Reverend Frank Besant in 1867, and accepted theosophism in 1889; then she went to India and became an ardent Indian nationalist.

## FABIAN POLITICAL THEORY

The Fabians had declared themselves to be socialists as early as 1887; they also were from the outset anti-Marxian. They were the first critics of Marx: they rejected his materialistic interpretation of history and declared that one could be a socialist even if one had not read a line of *Capital*: in fact, Bernard Shaw said Marx had been very useful in showing up the wickedness of capitalism, but he was in no sense a socialist. The Fabians read Marx, however, and also Owen,<sup>1</sup> Proudhon,<sup>2</sup> and the English economists, Ricardo, John Stuart Mill, Herbert Spencer, and Bentham.

Fabianism as a doctrine begins with the conviction of the value of the human person, and a belief that all men and women have an equal right to live their lives in a manner that seems to them morally good. The Fabians agree with Bentham in their insistence that the state exists for the individual and that the main-

<sup>1</sup> Robert Owen (1771-1858), born of poor parents, at the age of eleven was already at work in a textile factory, early amassed considerable wealth, and in 1799, having bought an impoverished mill village at New Lanark in Scotland, transformed it into a model socialist community. In 1825, he established another such settlement in the United States, in Indiana, which however soon dispersed. In later years he abandoned further experiments in cooperative societies and tried to spread, by writing and lecturing, his radical ideas (abolition of private property and the profit system, uniformity in education, absolute equality, replacement of money by labor notes, suppression of all exterior cults). The term "socialism" is found for the first time in a manifesto he issued in 1820.

<sup>2</sup> Pierre-Joseph Proudhon (1809-1865), French journalist and politician, a militant revolutionary, is regarded by many as the father of anarchism (his society is without a master but is to be based on "equality, law, independence, and proportionality"). He rejected the institution of private property ("property is theft," "property is the suicide of society") while disagreeing equally with Marxian communism and the utopian ideas of St. Simon and Owen. Some of his books are: *What Is Property?* (1840), *Letter to Blanqui* (1841), *Philosophy of Misery* (1846), *Economic Contradictions* (1846).

tenance of his rights is its first duty. These rights are the conditions that the individual feels necessary to the fulfillment of his best self, and these rights cannot be equal unless the freedom is equal, and for individuals to have equal freedom their economic opportunity must be equal. And this is where the Fabians broke away from Bentham, whose chief emphasis was conditioned by his fear of state interference with individual action. The Fabians declared that economic equality could only be imposed by collective control. Nor could this collective control be effective without collective ownership of the means of production. Thus, from the outset, the Fabians recommended nationalization, first of utilities: they were—and still are—called “gas and water socialists”—then of other national assets, such as coal, electricity, railroads, aviation and transport, cables and communication, medical services, iron and steel, and banks. Each citizen, the Fabians declared, had an equal claim in the common good in respect of his equal needs. Yet the Fabian view of collectivism from the first took great pains to insist on the absolute value of private property. In *Fabian Essays*, discussing the moral basis of socialism, Sydney (Lord) Olivier emphasized that private property was as essential a factor of industrial society as it had been of agricultural, since “it was obviously necessary for the establishment of industrial society that each man should own the product of his labour and the tools necessary for him to labour effectually.”<sup>3</sup> Although the Industrial Revolution had entirely changed the conditions under which men produce wealth, yet the sanctions of law and morality still cling to all that has been included in the old definition of property. But

if the idea so constantly appealed to in justification of property law is to be realized; if the fruits of each man's labour are to be guaranteed to him and he is to own the instruments with which he works; if the laws of property are not to establish a parasitic class taking tribute from the labour of others in the forms of Rent and Interest, then we must modify our administration of property.<sup>4</sup>

<sup>3</sup> *Fabian Essays* (London: Allen and Unwin, 1948), p. 117.

<sup>4</sup> *Ibid.*, p. 117. Rather surprisingly, Lord Olivier, who never professed Christianity in any form, took several pages of *Fabian Essays* to praise the Church: “The Catholic Church has always insisted on the duty of helping the poor, not on the ground of the social danger of a ‘residuum’ but by the nobler appeal to the instinct of human benevolence. The Catholic Church developed, relatively to the enlightenment of its age, the widest and

Even so, the amount of socialization possible and necessary was considered by the Fabians to vary not only from time to time but also to require continual adaptation to differing conditions of peoples and places.<sup>5</sup>

The Fabians rejected revolution and any form of direct action. They believed, as Sidney Webb put it, in "the inevitability of gradualness" and Bernard Shaw obstinately maintained that the "meaning of history is Fabian"—that is, that evolution was going their way. Sidney Webb regarded all social reforms as evidences of the growth of socialism within the capitalist society, and considered that all such must be encouraged in every way. Yet the Fabians never became a political party, never ran a single candidate for Parliament as a Fabian; their speakers never urged anyone to become a Fabian or to join the Fabian Society—not even in 1892, when 3,400 lectures were given by 113 Fabians in a twelve-month period. The Fabian Society has never had more than 4,000 members; at the time of its greatest influence—when it was permeating both the Liberal and Conservative parties with its ideas—it had under 1,500. Nor is the Fabian Society a school of socialist doctrine; rather it was, and is, a group of men and women who spread practical views on current needs and immediate social problems, and indicate the way these problems may be met by legislative or administrative reforms. Over its seventy-six (1959) years of existence, the Fabian Society has in fact produced a collective body of socialist doctrine tested at every step by constant concrete experience.

The Fabians did for British socialism at the end of the nine-

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freest system of education the world has ever seen before this century. Catholic Christianity, by its revolutionary conception that God was incarnated in Man, exploding the hideous superstition that the imagination of the thoughts of man's heart was only to do evil continually, and substituting the faith in the perfectibility of each individual soul; by its brilliant and powerful generalisation that God must be Love, because there is nothing better, and that man is freed from the law by the inward guidance of grace, has done more for social morality than any other religion of the world. Protestant Individualism in England shattered the Catholic Church; founded the modern land system upon its confiscated estates; destroyed the medieval machinery of charity and education, and in religion rehabilitated the devil. . . ."

<sup>5</sup> For the Catholic view on socialization, see this volume, Appendix, nos. 111-120.



teenth century almost exactly what their predecessors, the utilitarians, did for British liberalism at the beginning of the same century. The philosophic radicals or utilitarians with Jeremy Bentham and the two Mills—James and John Stuart—had exercised a permanent and powerful influence on the reform movements and legislation of their period, and above all they were instrumental in forging the means of carrying out the reforms they advocated: and this means was the British Civil Service. The Fabians, many of them, were British Civil servants—Sidney Webb and Sydney Olivier were clerks in the Colonial Office; Frank Podmore (1856-1910), who gave the Society its name of Fabian, was in the Post Office; and many others were in other branches of the Civil Service. This gave the Fabians an acquaintance with the actual functions of government that was of great practical advantage to them in keeping their schemes concrete and helping in their realization: the machinery of government was familiar to the Fabians, and they could execute their own blueprints, or work for their execution. This was a disadvantage, however, in that it tended to confound in Fabian minds the state and the government: a distinction that it is vital to keep clear. But, just as Owenism—the socialism patterned on Robert Owen's works—was idyllic, and Marxist socialism was theoretical and revolutionary, so Fabianism was, and is, "everyday politics for social regeneration." But it is apt to be short on political theory.

#### FABIAN ECONOMICS

Fabian economics are based on Ricardo's theory of rent. Ricardo had demonstrated that the worth of land arose from the landlord's manipulation of the soil, and the difference in the productive value of different pieces of land. This enables the landlord to skim off as rent the difference between the yield of his piece of land and that of the least productive piece in use or cultivation. Thus the Fabians appeared to many land reformers, such as those converted by Henry George,<sup>6</sup> to recognize socialism as the logical outcome of their ideas. And for the Fabians there was no theoretical difference between land and capital: sauce for the goose (land) was sauce for the gander (capital).

<sup>6</sup> Henry George (1839-1897), an American writer, was the inventor of the "Single Tax" idea and the author of *Progress and Poverty* (1879).



The earth is the Lord's, but the fullness thereof is the landlord's, declared the Fabians. Jevons<sup>7</sup> saw the source and measure of value not in labor, as did Marx, but in utility, and the Fabians were fundamentally utilitarians. But whereas Bentham had used the greatest happiness of the greatest number to justify his opposition to the bad forms of state interference, the Fabians used it to justify the good forms. The Fabians were—and are—totally unconvinced of the relevance of the class theory, or of class distinctions, and they have no belief in the class struggle as the instrument of social change. Nor do they have any *mystique* about the proletariat: the early Fabians ignored the trade unions and the co-operatives, at that time the two leading working-class organizations, and they later rejected H. G. Wells' idea that the only way to achieve socialism is by making socialists. "The work of the Fabian Society has been not to make socialists, but to make socialism" wrote E. R. Pease (1857-1953), the Society's secretary for twenty-five years, and its only historian. And the Fabian way to make socialism was, and is, by municipalization and nationalization. "We take over," Pease has written,

the *entrepreneur's* enterprise, his gasworks and waterworks, his docks and trams, his railways and mines. We secure for the State the profits of management and the future unearned increment, and we compensate him for his capital with interest-bearing securities. We force him in fact to become the idle recipient of unearned income, and then we turn round and . . . tax him heavily precisely because his income is unearned.

Fabians from the first felt that decentralization was a necessary condition of the realization of their aim, and they set out to capture local bodies from the first. Before the first Labor government came into power (as a minority) in 1922, there were 10,000 elected Labor representatives in various municipal and other local bodies scattered throughout England: Bernard Shaw himself worked for six years as a vestryman of St. Pancras (a slum parish in London) and never missed a meeting: in 1900 there were only 62,698 Labor voters in England; by 1922, 4½ million; by 1944

<sup>7</sup> William Stanley Jevons (1835-1882), English economist and philosopher, is the author of *Theory of Political Economy* (1871), *The State in Relation to Labour* (1882), *Methods of Social Reform*.

there was a solid majority of Labor members in Parliament, over 200 of whom, including the Prime Minister, Clement (later Earl) Attlee, were Fabians.

Webb based his socialism on Mill's theory of social reform by means of the Ricardian law of rent, but took it much further. Mill had stopped at land reform (though he died a confessed socialist), but Webb noted that as soon as production was sufficiently advanced to furnish more than the barest necessities, a struggle for the surplus began. Whatever individuals or classes were in power used it to get hold of that surplus product, leaving the rest of society "practically nothing beyond the means of subsistence according to the current local standard."

This surplus produce possessed the character of rent. In relation to agriculture it was fertility, mineral contents, position, or even the mere presence of human beings (labour) that combined to make the net advantages of one piece of land very different from that of another. This differential advantageousness, rising in scale . . . accounted for the phenomenon of economic rent. . . . Under unrestricted private ownership and free competition, with the motive of pecuniary self-interest in full play, the man in possession of any position economically superior to the very margin of cultivation . . . was able to retain for himself the whole differential advantage of that position. This law of rent held good not of land only. . . . Alike in all capitalist enterprise—in manufacture, in transport, in distribution, as well as in agriculture—the factors of production were different from one another in net advantageousness no less than the land itself.<sup>8</sup>

But the product, whatever its cost to produce, is worth only what the market will bear, and the exchange value of the least useful part of the supply fixes the exchange value of all the rest.

Technically this occurs by the "law of indifference" and since the least useful unit of the supply is generally that which is last produced, its utility is called the final utility of the commodity. The utility of the first or most useful unit is called the total utility. Final utility is sometimes called "marginal utility". . . . The main point to be grasped is that however useful any commodity may be, its exchange value can be run down to nothing by increasing the supply until there is more of it

<sup>8</sup> Max Beer, *History of British Socialism* (London: Allen and Unwin, 1942), Vol. II, p. 282.

than is wanted. The excess being useless and valueless, is to be had for nothing, and nobody will pay anything for a commodity as long as plenty of it is to be had for nothing.<sup>9</sup>

On the other hand, of course, by withholding necessary things, private owners of them can send the price up: thus if gas, electricity, water, transportation, sewers, mail delivery, etc., are privately owned, the owners can make people pay much more for them than if the state—that is, all the people—own them and pay for them in proportion to their use of them.

Thus for Webb, the struggle is not between the capitalist class and the working class, but between the great mass of the people and the appropriators of differential rent: between the producers—those who organize industries, design machinery, make inventions or discoveries, or perform bodily labor—and those who fatten on the results merely because they invest capital. Since differential rent is the result of improvement performed by, or belonging to, the whole community (“social labor and general development”) it should belong to, and be utilized by and for, the good of the whole of society: this is to be done by municipalization, nationalization, and taxation.

The Fabian Society from its beginning opposed all pretensions to hamper

the socialisation of industry with equal wages, equal hours of labour, equal official status, or equal authority for everyone. Such conditions were not only impracticable, but incompatible with equality of subordination to the common interests. . . . They recognised that wealth was social in its origin and must be social in its distribution, since the evolution of industry had made it impossible to distinguish the particular contribution that each person made to the common product or to ascertain its value.<sup>10</sup>

Whatever things . . . we allow a man to possess, we must allow him to exchange, for exchange never takes place unless both parties believe themselves to benefit by it. Further, bequest must be allowed, since any but a moderate probate duty or personalty would, unless supported by a strong and searching public opinion, certainly be evaded. Moreover, if we desire the personal independence of women

<sup>9</sup> George Bernard Shaw, “The Basis of Socialism,” in *Fabian Essays*, p. 14.

<sup>10</sup> Max Beer, *op. cit.*, p. 286.

and children, then their property . . . must for a long time to come be most carefully guarded. . . . Voluntary associations of all kinds, whether joint stock companies, religious corporations or communistic groups, would, in the eyes of the Social Democratic State, consist simply of so many individuals possessing those rights of property which are allowed to individuals.<sup>11</sup>

#### FABIAN LANDMARKS

The Fabians had a totally unexpected success with *Fabian Essays* which sold 46,000 copies in England alone before World War I, and has never been out of print since its publication.

Until 1870 Jeremy Bentham's ideas had held practically universal and unmitigated sway over English minds, and his suspicion of the state was the attitude of most of the educated among the highly individualistic English people. But in the seventies T. H. Green, an Oxford idealist and a Platonist, had begun to teach that Bentham's opposition between the state and the individual was artificial, and suggested that the citizen has, and can have, no meaning apart from the state. Unless the state can guarantee to each man the powers without which he could not realize himself, then the state is void of all ethical content, for the state is the instrument in and through which the citizens realize themselves, and the state's main function is to achieve the full moral development of its citizens.

Bentham's mistrust of the state, and his relegation of its functions merely to those of being the citizens' watchdog, and T. H. Green's return to a more important governess-type role for the state, were the practical results of historical happenings. Just as the civil wars of the fifteenth century in England had ended the old feudal, hierarchical view of society—by proving it obsolete and broken down—so the seventeenth-century wars disposed of the Tudor absolutism, and of the idea of the divine right of kings that had succeeded feudalism. So, too, the Napoleonic wars at the end of the eighteenth, and early nineteenth century, had freed the commercial classes from the last vestiges of aristocratic control. The Reform Bill of 1832 had established a world in which the rights of the business man and his unlimited economic possi-

<sup>11</sup> *Fabian Essays*, p. 128.



bilities had been secured by legislation, and England became the leading mercantile and banking power in the world. But the wasteful horrors of unlimited cut-throat free competition, the terrible deterioration of the condition of the laboring classes as the result of the Industrial Revolution, together with the ever greater dependence of the employers on a cheap supply of labor, and of the employed on their capacity to sell their labor—their only possession—brought about widespread discontent, leading in many cases to near revolts. It was in this atmosphere that *Fabian Essays* first appeared, during a temporary industrial depression (which caused Henry Adams to write home to America that England was completely bankrupt), and its practical effects were tremendous. In 1892 Fabians captured the new London County Council, and the Fabians also succeeded in forcing on the Liberal Party a program of social reform written by Sidney Webb and known as the Newcastle Program, which was adopted by the National Liberal Federation in 1891. The Liberals got in, but then refused to honor their election promises. Sidney Webb and Bernard Shaw wrote an article in *The Fortnightly Review* entitled "To Your Tents, O Israel" condemning the Liberals and urging the necessity for the creation of a socialist party. As a result, in February 1900, the Labor Representation Committee was founded, and took office in 1922 as the Labor Party.

Another Fabian landmark was the Education Act of 1902, drafted and maneuvered into law by Fabians. And in 1909-1911 the "Minority Report on the Reform of the Poor Law," written by Sidney and Beatrice Webb, was another vitally important Fabian and socialist statement. "Hitherto," wrote E. R. Pease,

all socialist writings on the organisation of society, whether contemporary or utopian, had visualised a world composed exclusively of healthy, sane and effective citizens, mostly adults. No Socialist had stopped to think out how, in a densely populated and highly industrialised Socialist community, we should provide systematically for the orphans, the sick, the physically or mentally defective and the aged on the one hand, and for the adults for whom at any time no immediate employment could be found on the other. The Minority Report, meanwhile, worked out the lines along which the necessary organisation must proceed, even in the fully socialised state.<sup>12</sup>

<sup>12</sup> E. R. Pease, *History of the Fabian Society* (London: George Allen and Unwin, 1924), p. 218.



This Minority Report was shelved by the Liberal government then in power, in favor of a general insurance scheme produced by the Prime Minister, David Lloyd George; but twenty years later Lord Beveridge, a Fabian, brought in all the many of the reforms suggested by the Minority Report, and in 1947 the third Labor government (the first with a majority) completed the implementation of the schemes adumbrated in the Minority Report.

At first the Fabians were anxious to stay a small group; later H. G. Wells made an attempt to persuade them to increase in numbers, but it was "an expensive failure" and today the Fabians are only about 4,000 strong. The most serious challenge to their collectivist doctrine was made by the Guild Socialists, who advocated a modified type of syndicalism. Their opposition to the collectivist doctrine began in 1907. The Fabians that year had approved the "treaty" Lloyd George "imposed" on the railroad industry. A. J. Penty (1875-1937), who had published a book *The Restoration of the Guild System* in 1906, together with A. R. Orage (1873-1934) and S. G. Hobson (1864-1940), both of whom were journalists writing for *The New Age*, a Fabian-financed publication, began to wonder whether strikes would be permitted in a state-owned industry. In 1915, G. D. H. Cole (1889-1959), just down from Oxford, was elected to the Fabian executive, and began a "Reform" movement, hostile to the Labor Party, from which he proposed to disaffiliate the Fabians. His resolution, however, was defeated by ninety-two votes to forty-eight. The Guild Socialists believed in producer management of industry instead of consumer control, and advocated workers elected in each case. But Cole left the Fabians, and their subsequent history is the history of the British Labor Party.

Sir Ernest Barker has summed up Fabian Theory as follows:

The policy of Fabianism has been somewhat as follows. An intellectual circle has sought to permeate all classes, from the top to the bottom, with a common opinion in favour of social control of socially created values. Resolved to permeate all classes, it has not preached class-consciousness: it has worked as much with and through Liberal "capitalists" as with and through Labour representatives. Reformist rather than revolutionary, it has urged the necessity of a gradual amelioration of social conditions by a gradual assertion of social control over unearned increment. . . . It has preached that the society which is to exert control must be democratic, if the control is to be,

as it must be, self-control; it has taught that democratic self-control must primarily be exerted in local self-government; it has emphasised the need of reconciling democratic control with expert guidance. . . . It has adopted the sound position that democracy flourishes in that form of state in which the people freely produce, thanks to an equality of educational opportunity, and freely choose, thanks to a wide and active suffrage, their own members for their guidance, and since they have freely produced and chosen them, give them freely and fully the honour of their trust.<sup>13</sup>

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<sup>13</sup> Sir Ernest Barker, *Political Thought in England from Herbert Spencer to the Present Day* (New York: Holt, 1915), pp. 219, 220.

## CHAPTER XXVI • *Lenin*

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### LIFE

V<sup>L</sup>ADIMIR ILICH ULYANOV, better known to friends and foes as Nikolai Lenin,<sup>1</sup> was born in Simbirsk, on the Volga River, April 22 (Gregorian calendar; April 10, according to the Julian calendar), 1870. At the time, his father, a schoolmaster of Mongolian ancestry, was provincial inspector of primary schools in Simbirsk and, as such, belonged to the minor Russian nobility. His mother, the former Maria Blank, of Volga-German parents, was a well-educated woman to whom Lenin remained deeply attached all his life.

In June 1887, the young Ulyanov graduated from the Simbirsk gymnasium at the head of his class. A year before, at the age of sixteen, he had ceased to believe in God. A month before, precisely in the early morning of May 8, 1887, his older brother Alexander, by him much loved and admired, had been hanged for participation, with other students of St. Petersburg University, in a plot to assassinate Czar Alexander III. That same year Lenin had lost his father.

<sup>1</sup> He chose this name after the Lena, the Siberian river that flows through the region where he spent his exile. He first used this name when he published, in Switzerland, *The Aims of Russian Social Democrats*. Others say he chose it in memory of his brother Alexander, who was called Lenin (Lion) by his companions.

In the fall of 1887 he entered Kazan University. Expelled almost immediately for disorderly activities against the school authorities, he lived for several months under police surveillance on his mother's country estate. Denied re-admittance to the University on his return to Kazan a year later, he gave himself completely to the study of social problems. It was then, at the age of eighteen, that in a spare kitchen of his family's apartment he began to read Marx. The void left in him by the loss of God and father and brother seemed to be filled by the presence and the teachings of the old prophet of communism. And the newly discovered faith gave his bitterness and hatred a precise goal in which to seek revenge and satisfaction.

In 1891 Lenin was allowed to go to St. Petersburg to study law. He mastered the four-year course in one year and again finished at the head of his class. Then he plunged feverishly into the revolutionary activities that were to culminate, twenty-five years later, in the establishment of the first communist state with himself as first dictator.

In April 1895, still weak from a severe attack of pneumonia, he went abroad for medical treatment. In Paris, Geneva, and Zurich he familiarized himself with the problems of the Western socialist movements, visited at length with foreign socialists, and met the founding fathers of Russian Marxism (Plekhanov and Akselrod). He returned to Russia in September 1895 already, at the age of twenty-five, a recognized leader of the St. Petersburg Marxists. Ostensibly he was practicing law. In reality most of his time and energies were devoted to inflammatory writing and other forms of clandestine propaganda. But the Secret Political Police (the *Okrana*) had its eyes on him and on December 20, 1895, he was arrested. Fourteen months later he was released from jail and banished for three years to the village of Shushenskoe in eastern Siberia. He arrived there in May 1897. The following May he was joined by Nadezhda K. Krupskaya, a fellow communist. She became his wife, and their marriage lasted for life.

Lenin's stay in Siberia was no harrowing experience. The food was simple but wholesome and plentiful. He could always find diversion in hunting, fishing, swimming, skating, and wrestling. He would still indulge, even by correspondence, in his favorite pastime, chess playing. Above all, the forced isolation was an invaluable opportunity for study and writing, and particularly for self-

appraisal. In the Siberian setting Lenin's personality was clearly defined, his central goal reaffirmed, the road to it definitely mapped.

In March 1900, his period of banishment ended, Lenin left Siberia for European Russia. From there he went abroad to become one of the editors of *Iskra* ("The Spark"), the organ of the Russian Social Democratic Labor Party. Its first issue, printed in small crowded type on thin paper, was published in Munich in December 1900 and smuggled into Russia for distribution by secret agents who, in Lenin's plan, were also to link up with the party network. In April 1902, *Iskra* was transferred to London and a year later to Geneva. Lenin followed the paper to both cities. It was in London that he first met Lev Bronstein (Leon Trotsky).<sup>2</sup> The two became friends and, at Lenin's insistence, Trotsky remained abroad to assist in the work of *Iskra*.

The year 1903 marked a split in the Russian Social Democratic Labor Party. Membership in the party was the precipitating issue. Lenin, the leader of the radical wing, wanted membership limited to professional revolutionaries—active conspirators blindly submissive to party discipline. Julius Martov, speaker for the more conservative faction, wanted membership for all friends and sympathizers, active or not in revolutionary work. Here Lenin lost to Martov by a small margin. But on every other important issue the Second Congress of the Social Democrats (held first in Brussels and then in London) was carried by Lenin's group, which came to be known as Bolsheviks (members of the majority), while Martov's was termed Mensheviks (members of the minority). With the

<sup>2</sup> Trotsky or Trotski, born in Russia in 1877 of Jewish parents, became a revolutionist in his early youth. He was arrested in 1898 and banished to Siberia. In 1902 he escaped to England and there he met Lenin. In 1905, having returned to Russia, he was banished again to Siberia. He escaped, this time to Austria. In 1916 he was expelled from France and repaired to the United States. On his return to Russia in 1917, after the March Revolution, he filled important posts in the communist government, always remaining loyal to Lenin though differing with him at times on methods and policy. After Lenin's death, Trotsky continued to champion World Revolution against Stalin (1879-1953), who wanted instead "Socialism in one country." But Stalin won the party leadership and in 1929 Trotsky was banished from Russia. In 1937 he went to live in Mexico and there, on August 21, 1940, he was murdered. His most famous books are: *The Defense of Terrorism* (1921), *My Life* (1930), *History of the Russian Revolution* (1932).



passing years the rift between the two factions widened and the struggle became more acute and violent. In 1912, at the Bolshevik Conference in Prague, the division became final. From then on, the Bolsheviks and Mensheviks led a completely separate existence. But it was not until 1918 that Lenin's faction changed the party name from Social Democrat to Communist.

In the meantime Lenin had to fight and maneuver against the suspicion and distrust of his comrades. At one time, isolated, criticized, practically abandoned, he was demoted from the Russian Central Committee and forbidden to print anything without its consent. At another, after the Bolshevik failure in the Revolution of 1905,<sup>3</sup> he was tempted to yield to despondency and frustration. But his fanatical will made him more adamant in following his devious course to party leadership and the revolution that was to change the history of the world.

The Revolution came in 1917. At first, in February (March according to the revised calendar), it was the strange, spontaneous revolt of the Russian people, tired of Czarist absolutism, literally sick of slavery and blows and indignities. Without leaders, without programs, following but a common impulse, they ceased to be interested in and to obey their old government—and abruptly this and all that it stood for crumbled. The Bolshevik leaders were taken by surprise: Lenin and Zinoviev in Zurich, Bukharin and Trotsky in New York, Stalin and Kamenev in Siberia. But they rushed to Petrograd to take command of the revolution and further agitate the people. Lenin with Krupskaya and several other Bolsheviks, as well as a party of some twenty non-Bolsheviks, traveled through Germany in a sealed railway car. The transportation had been arranged by the General Staff of the German army, confident that the return of the Russian *émigrés* would accelerate the disintegration of Russia and particularly of the

<sup>3</sup> Three major parties were clamoring for reform in Russia at the time: the Constitutional Democratic Party (known as the Cadets), whose members were middle-class business men and intellectuals who wanted a British-type of government, a constitutional monarchy; the Social Revolutionary Party, whose more moderate wing advocated the overthrow of the nobility and the redistribution of their land to the peasants, and whose left wing wanted to organize the farmers into socialized co-operatives; the Social Democratic Labor Party, which was divided into the Bolshevik and Menshevik factions.

Russian army. Lenin and his immediate party arrived in Petrograd at the Finland Station the night of April 3 (16).

Lenin immediately launched into a series of speeches and articles and manifestoes (*The April Theses*) to hammer home his ideas. The revolution of February was but a first step just as the overthrow of Czarism had been but a first phase. What had happened was a bourgeois revolution; what had yet to happen was a proletarian revolution, wherein the supreme power would be seized by the Soviets.<sup>4</sup> No compromise was to be proposed or accepted, no aid given the moderate government that replaced the old regime. Push the revolution, overthrow Kerensky's "bourgeois" democracy, establish a dictatorship of the proletariat—this was Lenin's immediate program.

At the same time, realizing that the Bolsheviks were a minority, Lenin determined to gain control of the Petrograd Soviet and the other Soviets in Russia. He threw his men into army and labor politics. He gave the Soviets an electrifying watchword: "Peace, Land, and Bread." Lenin soon added another war cry: "All power to the Soviets!"

On November 7, 1917 (October 25 by the old Russian calendar) what then seemed impossible, what still today seems incredible, took place: the Soviets, controlled by a Bolshevik majority,<sup>5</sup> were able to seize the power Lenin dreamed for them. The Bolshevik troops quietly and simultaneously occupied all strategic buildings and places in Petrograd. The Winter Palace held out until late evening. Lenin announced its fall at the opening session of the Second All-Russian Congress of Soviets: "Comrades, the workers' and peasants' revolution has come to pass." The following day the Second Congress set up an executive branch of government, the Council of People's Commissars, as a provisional ad-

<sup>4</sup> The Soviets were a new kind of representative body, representing the oppressed classes against the classes that held power; they were therefore not representative of all the people. As to the Soviet National Body (the All-Russian Congress of Soviets), it was indirectly elected: its delegates were appointed by the local Soviets and not by the people.

<sup>5</sup> At the First All-Russian Congress of Soviets (June 16, 1917), the tally of delegates was as follows: Social Revolutionaries 385, Mensheviks 248, Bolsheviks 105. At the Second All-Russian Congress of Soviets (November 7, 1917), the tally was 390 Bolsheviks, 150 Social Revolutionaries, and 80 Mensheviks.

ministration. Lenin was made its chairman and proceeded immediately "to construct the socialist order."

What happened afterward is familiar history. The elected Constituent Assembly (the Bolsheviks received only 175 of 707 seats) met only to be dissolved by force by the Soviets (January 1918). The Treaty of Brest-Litovsk, which definitely ended the Russian-German war, was signed March 3, 1918. Then the terror began. Chaos and uncertainty and fear and brutality engulfed the Russian land as the *Cheka* (the Soviet Secret Police organized December 20, 1917) went pitilessly about its grim business of liquidating all opposition and denying the people the very freedoms for which the Russian revolutionaries had so long fought. Early in 1918 the Soviet government was transferred from Petrograd to Moscow and soon after Lenin took up residence in the Kremlin. August 30, 1918, Fanya Kaplan fired three shots at him from a distance of only a few feet. One bullet pierced his neck, another his collar-bone. He survived. The *Cheka* terror was intensified and Lenin, proclaiming that "outside of force and violence, there is no way to suppress the exploiters of the masses," took full responsibility for it. In March 1919 he founded in Moscow the Third International to carry out in all countries the revolutionary aims of the Communist Party and of the Soviet Union. In the spring of 1921, to save the country from spreading famine and discontent, he introduced the New Economic Policy (NEP), which admitted private enterprise, private trade, and the wage system. It was not a return to capitalism but merely a strategic retreat on the economic front, a recoiling in order to leap forward. On the political front, Lenin's dictatorship continued, more ruthless and secure.

Toward the end of 1921, Lenin's health became seriously impaired. He suffered from insomnia, weariness, headaches, spells of vertigo. In early May 1922, a first stroke incapacitated him almost totally. A second followed in December 1922, a third in March 1923. In the middle of May he was taken a last time to his private home in Gorki. His condition was hopeless. Early on January 21, 1924, he suffered a final stroke. At seven that evening he was dead.

#### THEORY AND ACTION

Some have said that Lenin the man of action is greater than Lenin the theoretician. Some have added that, while unexcelled as

conspirator, revolutionary leader, and statesman, he is but a small star in the constellation of political philosophers.

As for the first assertion, Lenin's activities were so related to and influenced by his ideas and so influenced his and others' ideas, that one is reluctant to make such a clear-cut distinction between doctrine and practice. Lenin was himself fond of quoting Goethe: "Theory is gray: what is green is the eternal tree of life." Thought divorced from experience was for him nonsense. At the same time, he was equally firm in stating that there is no revolutionary action without revolutionary theory. Strategy (the application of theory to a broad situation) and tactics (the direct practical application of theoretical and strategic principles to everyday affairs) were for Lenin derivatives of theory by strictly logical deduction. One rightly points to Lenin's articles, speeches, and books as the documents wherein to become acquainted with his theory. But parallel to his tersest statements one must place his decisions and policies and methods for a full understanding of his contribution to the development (or deformation) of political thought.

As for Lenin's place among the major political philosophers, it can hardly be questioned, for Lenin's posthumous impact on countless minds has been and still is far greater than the tremendous influence he exerted, while alive, on the history of the world in general and of Russia in particular. In fact, one of Lenin's major contributions to politics (one that his adversaries cannot afford to ignore or minimize) is his insistence, even while he impressed his followers with the necessity of revolutionary practice, on the immense importance of theory.

## LENINISM

In a series of remarkable lectures delivered in 1924, Stalin defined Leninism as a development of Marxism: the Marxism of the epoch of imperialism and of the proletarian revolution, or, to be more precise, "the theory and the tactic of the proletarian revolution in general and the theory and the tactic of the dictatorship of the proletariat in particular."

Stalin also asserted, and rightly, that Leninism is predicated chiefly on combat and revolution. From the day of his brother's imprisonment and execution, Lenin knew no peace until the popular fury was unleashed against the czar and the czarist system. Even



then Lenin's aggressiveness had been cold and calculated, for from his brother's failure he drew the lesson that a revolutionary movement must rely not on individual, sporadic acts of terrorism but on an organized and disciplined drive of the proletarian masses.

A year later (1888), an attentive reading of Marx convinced him that Marxism had to be restored to its pristine purity and defended tooth and nail against anyone who would falsify or soften its original message. Lenin saw clearly that, next to the materialistic interpretation of history and the denial of everything spiritual in man, Marx's central dogma was the necessity of revolution and the violent seizure and holding of all power by the proletariat. Marx and Engels had said that force is the midwife of every old society pregnant with the new. Lenin too believed that the obligatory road for changing the world led through much blood and violence and ruthless extermination. He never tired of repeating that there could be no attempt at a reorganization of society, no testing of solutions for political and economic problems before the revolution had occurred—and by “revolution” he meant the violent destruction of the monopoly of force that is the capitalistic state and the immediate transfer of that same monopoly of force to the proletariat. Thus revolution is the fundamental premise for both Marxism and Leninism. Everything else is but a means.

Lenin fought tirelessly to uphold these principles all his life. He fought against the “reformists” of Western Europe, who, in an effort to change the Marxist creed, wanted to expunge its most dynamic principle, the will violently to overthrow the bourgeoisie and its bourgeois state. Marx's self-appointed interpreter and defender, he could never tolerate those who wished to replace Marx the revolutionary with Marx the gentle reformer. Lenin fought against the Populists, who still regarded the peasantry as a homogeneous force and had faith in its revolutionary potential. To him the Russian peasantry, hopelessly disunited since the Emancipation Act of 1861, was either unable or unwilling to stand and fight together. He fought the Economists (a group akin to the Trade Unionists), whose interest was not politics but economics. They were unaware of the Marxian emphasis on strong leadership or too timid to face its responsibilities. Their excessive trust in the working class led them to believe that the proletariat would ultimately reach socialism by itself. This viewpoint or theory of spontaneity



(also called "tailism," the ideology of those who cling to the tail of the movement instead of trying to lead it, the ideology of those who await the progress of events and are therefore "opportunists") Lenin rejected as a most dangerous heresy, a catastrophic delusion. Left to itself, the proletariat would never reach socialism. The processes of history would never do automatically what Marx expected of them. Socialism would come to the masses but only when brought to them from above.

#### IMPERIALISM AND THE PROLETARIAN REVOLUTION

Lenin's theory of the proletarian revolution is found primarily in his *Imperialism, the Highest Stage of Capitalism*,<sup>6</sup> a pamphlet written in Zurich in the spring of 1916. In particular, the author aimed to prove, as he states in the Preface to the French and German editions of July 1920, that the war of 1914-1918 was imperialistic on both sides:

a war for the division of the world, for the partition and repartition of colonies, "spheres of influences," finance capital, etc.<sup>7</sup> . . . a war for the purpose of deciding whether the British or German group of financial marauders [was] to receive the lion's share.<sup>8</sup>

In general his aim was to prove that capitalism had grown into imperialism, "a world system of colonial oppression and of the financial strangulation of the overwhelming majority of the people of the world by a handful of 'advanced' countries."<sup>9</sup>

Imperialism, Lenin insisted, represented capitalism's highest historical stage of development: a parasitic and decaying stage bringing to the forefront a very small number of the earth's inhabitants and a handful of rich and powerful states that plunder the entire world; a corrupt stage, for by using their enormous riches and power these few privileged states are able to bribe in a thousand ways the labor leaders and the upper levels of the labor aristocracy or "bourgeoisified workers." Yet, imperialism has intensified all the contradictions of capitalism. In this sense, then, it

<sup>6</sup> V. I. Lenin, *Collected Works* (London: Lawrence and Wishart, 1942), Vol. XIX, pp. 83-196.

<sup>7</sup> *Ibid.*, p. 85.

<sup>8</sup> *Ibid.*, p. 87.

<sup>9</sup> *Ibid.*

constitutes the transition of the moribund, agonizing capitalist regime toward a superior economic and social order. It is "the highest stage of capitalism" and "the eve of the proletarian social revolution."<sup>10</sup>

Lenin describes this special phase of capitalism:

Imperialism emerged as the development and direct continuation of the fundamental attributes of capitalism in general. But capitalism only became capitalist imperialism at a definite and very high stage of its development, when certain of its fundamental attributes began to be transformed into their opposites, when the features of a period of transition from capitalism to a higher social and economic system began to take shape and reveal themselves all along the line. Economically, the main thing in this process is the substitution of capitalist monopolies for capitalist free competition. Free competition is the fundamental attribute of capitalism, and of commodity production generally. Monopoly is exactly the opposite of free competition; but we have seen the latter being transformed into monopoly before our very eyes, creating large-scale industry and eliminating small industry, replacing large-scale industry by still larger-scale industry, finally leading to such a concentration of production and capital that monopoly has been and is the result: cartels, syndicates and trusts, and, merging with them, the capital of a dozen or so banks manipulating thousands of millions. At the same time monopoly, which has grown out of free competition, does not abolish the latter, but exists over it and alongside of it, and thereby gives rise to a number of very acute, intense antagonisms, frictions and conflicts. . . . Imperialism is capitalism in that stage of development in which the dominance of monopolies and finance capital has established itself; in which the export of capital has acquired pronounced importance; in which the division of the world among the international trusts has begun; in which the division of all territories of the globe among the great capitalist powers has been completed.<sup>11</sup>

Lenin's theory of capitalism is better understood if one bears in mind that for him, as for Marx, capitalism meant a mode of production or economic system, in existence since the advent of the machine, wherein all means of production are privately owned by a privileged few (who tend to become fewer and fewer); exploitation of the laboring class or proletariat is of its essence; ownership of capital is separated from the application of capital

<sup>10</sup> *Ibid.*, p. 90.

<sup>11</sup> *Ibid.*, pp. 159, 160.

to production; and the whole productive process is hampered by the "distorted" motives of profit. But Marx in his *Capital* was concerned with an analysis of industrial capitalism, a capitalism in which free competition prevailed, whose most characteristic feature was the export of goods and whose colonial policy consisted merely, so to speak, in the "free grabbing" of territories not yet occupied by a capitalist power. Lenin, on the other hand, is dealing with a new brand of capitalism (for the old has had its day). It is a capitalism in which monopolies prevail: monopoly in the form of combines, syndicates, trusts, and cartels, arising out of the concentration of production; the monopoly of the most important sources of raw materials; the banks' monopoly of finance capital with its consequent creations of an all-powerful financial oligarchy. It is a capitalism whose typical feature is the export of capital and whose colonial policy is marked by a monopolistic possession of the territories of the world.

This new capitalism is further characterized by parasitism. Firstly, because

like all monopoly, this capitalist monopoly inevitably gives rise to a tendency to stagnation and decay. As monopoly prices become fixed, even temporarily, so the stimulus to technical and, consequently, to all progress, disappears to a certain extent, and to that extent, also, the *economic* possibility arises of deliberately retarding technical progress.<sup>12</sup>

Secondly, because

imperialism is an immense accumulation of money capital in a few countries. . . . Hence the extraordinary growth of a class, or rather a category of bondholders (*rentiers*), *i.e.*, people who live by "clipping coupons," who take no part whatever in production, whose profession is idleness. The export of capital, one of the most essential economic bases of imperialism, still more completely isolates the *rentiers* from production and sets the seal of parasitism on the whole country that lives by the exploitation of the labour of several overseas countries and colonies.<sup>13</sup>

Lenin applies this theory of imperialism to the theory of the proletarian revolution, showing the latter's basic principles and consequently the practical attitude to be taken toward the problem.

<sup>12</sup> *Ibid.*, p. 170.

<sup>13</sup> *Ibid.*

Lenin sees the forces of revolution gaining on three fronts. On the internal front (the proletarian front in the capitalist or "mother" countries), the revolutionary crisis becomes more acute, the yoke of a financial oligarchy more unbearable. The utter lack of social consciousness in the privileged few, their parasitism and corruption, intensify the workers' indignation until these finally seek liberation in revolution.

On the external front (the colonial front), the exploitation of colonies and dependent countries results in the division of nations into two antagonistic camps: a few "advanced" capitalist countries on one side, the rest of the world on the other. This becomes a growing reality, until the only hope of deliverance from the imperialistic yoke is its violent overthrow by the oppressed masses.

Finally, on the world front, war and revolution become inevitable: war between the capitalist states that want to hold securely and exclusively what they have and those that want to share the colonial spoils or steal their monopolies and markets outright: the revolution of a united European (proletarian) and Eastern (colonial) front against the world-wide front of imperialism.

This global stage of capitalism profoundly affects the communist attitude toward the problem of revolution. In the past, it was right to regard the proletarian revolution in one country as an internal affair to be solved in view of certain conditions existing in the country in question (its economy, its degree of industrial development, its proletarian population). Now, instead, individual national economies are but parts of a world economy, the various national capitalist fronts have become a unified whole all over the world, and the proletarian and colonial masses are banded together in a united front by a common antagonism to a universal system of imperialism. Therefore the approach to the problem of the revolution must be more general. The revolution need not necessarily begin in a country where industrial development is most advanced and the proletariat constitutes the majority. It may as well start in a country where capitalism is not yet much developed. It may, likely as not, occur where the chain of imperialism is weakest. In any case and in any place two conditions are requisite if the proletariat is to think of successfully seizing the monopoly of power:



it is essential, first, that a majority of the workers (or at least a majority of the class-conscious, thinking, politically active workers) should fully understand that revolution is necessary and be ready to sacrifice their lives for it; secondly, that the ruling class should be passing through a governmental crisis, which draws even the most backward masses into politics (a symptom of every real revolution is a rapid, tenfold and even hundredfold increase in the number of members of the toiling and oppressed masses—hitherto apathetic—who are capable of waging the political struggle), weakens the government and makes it possible for the revolutionaries to overthrow it rapidly.<sup>14</sup>

Another consequence of the existence of the two antagonistic world-wide fronts is that the victory of the proletariat in one country becomes in a sense the responsibility of all proletarians in the world. Conversely, because the successful revolution in a particular country is but a step toward world revolution, the victorious country must do its utmost to awaken, develop, and support the revolution in other countries.

#### THE DICTATORSHIP OF THE PROLETARIAT

During his sojourn in Finland, in August and September 1917, Lenin wrote *The State and Revolution*, using as documentary sources all that Marx and Engels had written on the state. He himself had diligently copied in a blue notebook all pertinent passages from their works. The volume was to have had seven chapters but the last, "The Experience of the Russian Revolutions of 1905 and 1917," was never written. Lenin returned to Petrograd to prepare and lead the November Revolution. "It is more pleasant and useful to go through the 'experience of the revolution' than to write about it,"<sup>15</sup> he remarks in the Postscript to the First Edition.

It is in *The State and Revolution* that Lenin dwells on the problem of the state and, particularly, the question of the relation of the proletarian revolution to the state. He starts by restating and re-interpreting the basic Marxian ideas on the origin, role, and meaning of the state. He approvingly quotes Engels to the

<sup>14</sup> V. I. Lenin, "Left-Wing" Communism, *An Infantile Disorder* (Moscow: Foreign Languages Publishing House, 1952), p. 114.

<sup>15</sup> V. I. Lenin, *State and Revolution* (New York: International Publishers, 1932), p. 101.



effect that the state did not always exist but was established only at a certain stage of economic development necessarily bound up with the cleavage of society into classes. Once society was divided into two irreducible antagonisms, in order that the warring classes would not by their struggle bring an end to that society, a force had to be created to contain them within certain limits of order. This force is the state.

The state is the product and the manifestation of the *irreconcilability* of class antagonisms, the state arises when, where, and to the extent that the class antagonisms *cannot* be objectively reconciled. And, conversely, the existence of the state proves that the class antagonisms are irreconcilable.<sup>16</sup>

In other words, the state is but an organ of class rule, the organ of the rule of a definite class for the oppression of another definite class (its antipode); its purpose is to legalize and perpetuate this oppression. Thus the ancient and feudal states were organs for the exploitation of the slaves and serfs, and today's bourgeois state is an instrument for the exploitation of wage labor by capital.

The state (the accumulation or, better, the monopoly of power in the hands of one class) fulfills its purpose of repressing and exploiting the opposite class through an apparatus or machine consisting essentially of special bodies of armed men (army and police) and bureaucrats (state officials). Both are "parasites" on the body of bourgeois society, enjoy privileges and immunities, and are protected by special laws. Both are the masters of society rather than its servants: they stand above it and are, therefore, alienated from it.

Lenin significantly adds that every state, whether an absolute monarchy or the most liberal democratic republic, is, in Engels' expression, a "special repressive force" holding down the oppressed class. Although one is justified in considering a democratic republic the best form of state for the proletariat under capitalism (for it is the "nearest approach" to the dictatorship of the proletariat), it must never be forgotten that even in the most democratic of bourgeois republics the iniquitous exploitation of wage-slavery is the lot of the people. All such states are, in the

<sup>16</sup> *Ibid.*, p. 8.

last analysis, the dictatorship of the bourgeoisie. It would be catastrophic to believe that this type of state could successfully resolve the class contradiction.

The class contradiction can be solved only by the re-creation of a classless society. How? Here, in summary, is Lenin's answer.

1. Through a violent revolution the proletariat (acting as leader of all toiling masses and led, in turn, by the workers' party) overthrows and destroys the capitalist state, that is, the centralized organization of force created by the bourgeoisie for itself.

2. Once victorious in this first phase of revolution, the proletariat becomes the ruling class, gets exclusive hold of the monopoly of force, organizes and exercises its own dictatorship.

3. The proletarian dictatorship, unrestricted by law, always guided by the vanguard of the proletariat (the workers' party) and relying directly upon the armed forces of the masses, uses its state machine for the purpose of completely crushing bourgeois resistance and leads the whole people to a new economic order.

4. Once the capitalist resistance is completely broken, people will become accustomed to observe the rules of social intercourse without compulsion and without the special apparatus for compulsion that is called the state. Then the state will wither away.

There can be nothing save destruction for the capitalist state. The old bourgeois bureaucratic-military state machine has to be smashed out of existence. Otherwise the new classless society will never be. On this point no compromise is possible, for the state is not above classes, the state is the instrument of the ruling class; and, if this particular class is to be suppressed, then its monopoly of force, its organization of violence, its state apparatus must be inevitably and forcibly suppressed. Therefore, the people's revolution (to be successful in the first phase) must break and destroy the capitalist state with its most characteristic institutions—the bureaucracy and standing army. Many revolutions failed (and here Lenin quotes Marx) because they perfected the machine of the bourgeois state instead of smashing it. The first aim of a revolution is “*‘to concentrate all its forces of destruction’* against the state power, and to regard the problem, as one, not of perfecting the machinery of state, but of *breaking up* and annihilating it.”<sup>17</sup>

The revolution can be accomplished only by the proletariat.

<sup>17</sup> *Ibid.*, p. 27.

It "is the only class . . . thoroughly revolutionary, the only class that can unite all the toilers and the exploited in the struggle against the bourgeoisie, in completely displacing it."<sup>18</sup> It is

the particular class, which, by the economic conditions of its existence, is being prepared for this work and is provided both with the opportunity and the power to perform it. While the capitalist class breaks up and atomises the peasantry and all the petty-bourgeois strata, it welds together, unites and organises the town proletariat. Only the proletariat—by virtue of its economic role in large-scale production—is capable of leading *all* the toiling and exploited masses, who are exploited, oppressed, crushed by the bourgeoisie not less, and often more, than the proletariat, but who are incapable of carrying on the struggle for their freedom independently.<sup>19</sup>

In their revolution, the proletarians are led by the workers' party, which constitutes the vanguard of the proletariat both in its bid for power and in its direction and organization of the new order.

Once the capitalist state, with its standing army, police, and bureaucratic apparatus, has been destroyed, the proletariat seizes power, organizes itself as the ruling class. Thus a new state comes into existence: a state defined by Lenin the "proletarian dictatorship, the political rule of the proletariat . . . a *special* form of organisation of violence *against* the capitalist class";<sup>20</sup> not a bourgeois but a proletarian state, a state exclusively at the service of the exploited and not of the exploiters; "a special repressive force" not for the exploitation of a majority by a minority but for the suppression of the bourgeois minority by the proletarian majority; a state that is

democratic *in a new way* (for the proletariat and the poor in general) and dictatorial *in a new way* (against the bourgeoisie).<sup>21</sup> . . . To limit Marxism to the teaching of the class struggle means to curtail Marxism—to distort it, to reduce it to something which is acceptable to the bourgeoisie. A Marxist is one who *extends* the acceptance of class struggle to the acceptance of the *dictatorship of the proletariat*.<sup>22</sup>

It is not enough for the proletariat to seize power. Even after this step the bourgeoisie remains very strong, possibly stronger

<sup>18</sup> *Ibid.*, p. 22.

<sup>19</sup> *Ibid.*, p. 23.

<sup>20</sup> *Ibid.*, p. 24.

<sup>21</sup> *Ibid.*, p. 31.

<sup>22</sup> *Ibid.*, p. 30.

than the victorious proletariat, and eager to reconquer its lost position. Power, once seized, must be held, consolidated, rendered invincible. Hence,

the proletariat needs the state. . . . The exploited classes need political rule in order completely to abolish all exploitation, i.e., in the interests of the vast majority of the people and against the insignificant minority consisting of the slave-owners of modern times—the landlords and the capitalists.<sup>23</sup>

The proletarian state spans the period of transition from capitalism to communism. In it the class struggle continues; so much so that “this period inevitably becomes a period of unusually violent class struggles in their sharpest possible forms.”<sup>24</sup> The rule of the proletariat, then, is a democracy only for the poor and the dispossessed; for the rich and the bourgeoisie it is a new kind of dictatorship. Under these conditions there is no real freedom for the exploiters.

The dictatorship of the proletariat produces a series of restrictions of liberty in the case of the oppressors, the exploiters, the capitalists. We must crush them in order to free humanity from wage-slavery; their resistance must be broken by force; it is clear that where there is suppression, there is also violence, there is no liberty, no democracy.<sup>25</sup> . . . While the state exists there is no freedom. When there will be freedom there will be no state.<sup>26</sup>

Other tasks of the proletarian dictatorship are the education of all workers and peasants to rally them to the support of the revolution and imbue them with the spirit of socialism, and the organization of the whole national economy according to a new system on the lines of “the postal system in such a way that the technicians, managers, bookkeepers as well as *all* officials, should receive no higher wages than ‘workingmen’s wages,’ all under the control and leadership of the armed proletariat.”<sup>27</sup> Finally, the proletariat will organize its army and keep it in constant readiness for the fight against the imperialists, the enemy outside.

The dictatorship of the proletariat is but a transitory state. At the beginning and for a time it will retain some of the marks of the old society. This will constitute the first phase of communism

<sup>23</sup> *Ibid.*, p. 22.

<sup>24</sup> *Ibid.*, p. 31.

<sup>25</sup> *Ibid.*, p. 73.

<sup>26</sup> *Ibid.*, p. 79.

<sup>27</sup> *Ibid.*, p. 44.



—a phase not yet able to produce absolute justice and equality (“every worker, therefore, receives from society as much as he has given it”;<sup>28</sup> “differences, and unjust differences, in wealth [as well as defects in distribution] will still exist”<sup>29</sup>). The communist society then

is forced at first to destroy only the “injustice” that consists in the means of production having been seized by private individuals, [but] *is not capable* of destroying at once the further injustice consisting in the distribution of the articles of consumption “according to work performed” (and not according to need).<sup>30</sup>

The perfect development of communism will come with the second or higher phase of communist society, when there are no longer any capitalists, any classes and, consequently, there is no need to suppress any class. Then the state loses its very reason for being; it ceases of itself.

Only in Communist society, when the resistance of the capitalists has been completely broken, when the capitalists have disappeared, when there are no classes (i.e., there is no difference between the members of society in their relation to the social means of production), *only then* “the state ceases to exist,” and it “*becomes possible to speak of freedom.*” Only then . . . people will gradually *become accustomed* to the observance of the elementary rules of social life that have been known for centuries. . . ; they will become accustomed to observing them without force, without compulsion, without subordination, without the *special apparatus* for compulsion which is called the state. . . .<sup>31</sup> The state will be able to wither away completely when society has realized the rule: “From each according to his ability; to each according to his needs,” i.e., when people have become accustomed to observe the fundamental rules of social life, and their labour is so productive, that they voluntarily work *according to their ability*.<sup>32</sup>

When this perfect state of communism will dawn, Lenin does not say. He confesses that he does not know “how quickly and in what order” the conditions that will usher mankind into the fully developed communist society will be verified. But he is certain that sooner or later the classless and stateless society, where all members will be bound together in a new brotherhood of love, will open its gates to waiting humanity.

<sup>28</sup> *Ibid.*, p. 76.

<sup>29</sup> *Ibid.*, p. 77.

<sup>30</sup> *Ibid.*

<sup>31</sup> *Ibid.*, pp. 73, 74.

<sup>32</sup> *Ibid.*, pp. 79, 80.



Others, many others, are not so certain. What has happened and what is still happening in the communist countries seems to support the conclusion that a new class of masters, a harsher caste, a privileged class alienated from the masses, has supplanted the old class divisions that Marx and Lenin sought to abolish.<sup>33</sup>

Indeed, the state seems to have accepted the challenge hurled at it by Lenin and to have fought back successfully. The very men who were to bring about its destruction, the very communist experience, the state used as allies for the intensification of its apparatus and the consolidation of all its *special* forces—army, police, prisons, bureaucrats. The end of the state is nowhere in sight.

Communism at work has even created its own brand of autocrats not too different in essence from the bourgeois masters of old. Communism in action has gone happily hunting throughout the world of free nations in the best colonial style to fill the hunger of its imperialistic belly; and when whole nations have tried to overthrow the oppressor's yoke and regain some measure of freedom, communism has restored order in the well-known traditional, repressive way.

Unless human nature suddenly changes, unless the lessons man has learned in his millenary history prove all wrong, one is led to conclude that the means must after all have a certain affinity to the end. Now Lenin speaks of a lofty aim that will make angels of men and a paradise of earth. But in the meantime wherever communist rule has been installed, it has become synonymous with inhuman means and conditions. It does make sense therefore to doubt, at the very least, a system whose reality contrasts so sharply with its ideal.

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## CHAPTER XXVII • *Italian Fascism*\*

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### IN SEARCH OF A PHILOSOPHY

**S**TRICTLY speaking, Italian Fascism never had a political philosophy of its own. But Fascism was preceded by speculative movements critical of democracy and the parliamentary system, by the formulation of a syndicalist doctrine, and by a boldly expressed belief in the supremacy of the nation. These were currents of political sentiment and thought not merely Italian but European. Indeed, they first appeared outside Italy. Yet they found in Italy more complete and precise theoretical expression.

Italian Fascism did not even begin as a theoretical movement. On August 27, 1921, Mussolini (1883-1945), its founder and leader, wrote to Michele Bianchi, one of his first and closest collaborators: "If Fascism does not wish to die or, worse still, commit suicide, it must provide itself with a doctrine." The quest for it ended only in 1933.

Italian Fascism was a political movement and, as such, the result not of ideological preparation but of certain historical conditions. Some of these were: the formation of a class of unemployed veterans, or *demi-soldes* as they were termed at the time of Napoleon I; the personal magnetism of Mussolini; the devalu-

\* An essay written especially for this work by Giuseppe Prezzolini and translated from the Italian by John A. Abbo.

ation of the *lira* following World War I and the consequent transfer into other hands of a good part of the land in northern Italy; the sorry decline of the Italian parliamentary system, unable to provide a stable government (somewhat like conditions that brought about the fifth French republic); the split in the Socialist Party following the rise of Russian communism.

This casual combination of social forces did not, however, crystallize into a theoretical doctrine, nor did it produce a common theoretical idea. Fascism was born without a doctrine. It went in search of one once it had seized power, and found it in the various currents of thought then common among the young, cultivated classes of Europe. These it sought to amalgamate in a unified system, which was given official expression in an article written by the philosopher Giovanni Gentile in 1933 and signed by Mussolini but which never really served as the party norm. Along the road that was to lead to an ideological justification of its action, Fascism was itself to contribute new intellectual approaches and solutions, particularly in the field of syndicalism or corporativism. But no one of these became predominant. Obviously the Fascist Party was but a multitude agitated by momentary passions, a mass wrestling with practical problems and stirred by personal rivalries. Very few bothered about principles, especially when the principles had been hurriedly pieced together or simply borrowed. The impact of ideas on the sentiments and interests of political parties is usually slight and superficial. It was even more so among the Italians, generally skeptical and ready without conviction to adopt and adjust to the exterior and theoretical aspects of a party in control of the government and able actually to manipulate the national income.

#### FASCISTS AND NATIONALISTS

When, in 1919, the Fascist Party presented candidates for election in Milan, its program was a rather haphazard list of pointers, resolutions, and promises, most of which were quickly discarded once Mussolini was called by King Victor Emmanuel III to head the Italian government (October 31, 1922, following the Fascist March on Rome of October 27). The Fascist platform had left unresolved the constitutional question of whether to choose the monarchic or the republican form of state. It had a strong anticlerical flavor (with its proposal to confiscate all Church

property) and an anticapitalist tinge (with its proposal to confiscate all war superprofits). Finally, as to the armed forces, it proposed "an armed nation" of the Swiss type.

The nucleus of statements that came to constitute the Fascist doctrine was provided by an articulate group, the Nationalists. These never gained political leadership of the masses like the Fascists, but they were men with some basic doctrine of their own and more culture and refinement. The early Fascists came from the rural population and from the political movements of the extreme left (socialists, syndicalists, republicans, even anarchists). The Nationalists were considered conservatives of the extreme right: they belonged to well-to-do classes and in the years prior to Fascism supported the interests of the industrial groups (heavy industry) rather than those of the small rural landowners from whom were to come the first Fascist volunteers. These differences, best typified in the names of the Nationalist De Frenzi (Luigi Federzoni, b. 1878) and the Fascist Mussolini, persisted, if under the surface, even after the two parties merged.

The review *Politica* was the organ of Nationalist thought. In the issues published before the advent of Fascism there are many of the theoretical assertions that became common patrimony after the Fascist victory, principally the doctrine of the supremacy of the nation and of the nation's interests over the individual or the class. At that time (the years prior to Fascism) Mussolini was preaching the class struggle. When the Nationalist Party was absorbed by the Fascist (and the result was the Fascist National Party) early in 1923, its members remained an aristocracy, in principle more attached to the monarchy than the bulk of the Fascist Party, while some of the more independent Fascist members, like Italo Balbo, did not always hide their old republican tendencies. And this divergence was tragically displayed in July 1943 at the fall of Fascism. Then De Frenzi helped the king rid himself of Mussolini and later Mussolini founded the last desperate Fascism, that of the Republic of Salò. It must be noted, however, that the difference between Fascists and Nationalists was not so much theoretical as it was a difference in education and character. A truly intellectual discussion between monarchist and republican Fascists never took place.

To this amalgam the Fascists brought the contribution of their syndicalist experience. All Fascist theory that has reference to



the corporative state was, as a rule, not of Nationalist but of Fascist origin.

But before explaining in detail this and other aspects of the official Fascist doctrine, one must place it in the right perspective—against the background of the period's mentality as expressed by the various currents of ideas that later converged in Fascism.

#### THE ANTILIBERAL ROOT

It must first of all be remembered that the antiliberal ideas that became popular among the Italian Fascists had their deepest roots in the unfavorable reaction to the French Revolution that was common in all Europe among both Catholics and socialists. Fascist political thought rejected liberalism more than communism. Italian Fascism made its own the criticism of Catholics and socialists of what was then commonly called the "atomism" of the French Revolution: the breaking of the social bonds that united the individual to society to make of him but an atom abstracted and historically separated from his past (Catholics) and from his labor environment (socialists). This adverse reaction lasted, one may say, all through the nineteenth century and finally came to a head in the twentieth century. Essentially, Fascism wanted to represent the supremacy of society and state against liberal individualism. If, in a sense, Fascism seemed to be born in opposition to communism, more fundamentally it came to oppose and attack the liberal thought of the eighteenth and nineteenth centuries in political economy as much as in practical politics. Basically, Italian Fascism had several political principles in common with Russian communism: for instance, the exaltation of the action of minorities who take over the power of the state, the concept of a single party (totalitarianism), the belief in the supremacy of the state over individuals and in the Machiavellian axiom that the ultimate aim (the seizing of power) justifies all means employed by a minority that anticipates the times and feels itself vested with a mission. This reaction against the so-called "rights of man" brought together men of opposite camps: Karl Marx and his successor and interpreter, Georges Sorel; Giuseppe Mazzini, whose favorite book, significantly entitled *The Duties of Man*, was intended as an answer to the French Revolution's emphasis on the rights of man; even a Catholic like Giuseppe Toniolo,

who derived his social consciousness from Saint Thomas Aquinas. What strange bedfellows one finds when looking for the ideals that inspired contemporary minds possessed of a vast culture!

## MAURRAS, KIPLING, PARETO, MOSCA

But searching deeper into the theoretical confusion of Fascist motivations and impulses brings other things to light. For one, the marked influence of Charles Maurras. It was his ideological construction, positivistic and naturalistic, that the Italian Nationalists wished so passionately to imitate and emulate. The impact of the theoretician of *Action Française* was particularly felt by Francesco Coppola, editor of the review *Politica* from 1929 to 1943. On the other hand, a writer like Enrico Corradini, founder of the first Italian Nationalist review, *Il Regno* (whose editor-in-chief was Giovanni Papini), fell under the spell of Rudyard Kipling (1865-1936). What the latter had been for the English, Corradini sought to be for the Italians (he lacked, however, the English writer's imagination and never achieved Kipling's popularity), and he tried hard to translate for them the sweeping motives of imperial consciousness and responsibility. Thus in Corradini's writings one finds war always exalted, aggressive and predatory instincts praised, the conviction, proudly reiterated, that Italy has an influence to exert on the world. Corradini lived long enough to see the triumph of his ideas. Fascism considered him one of its "fathers," and he was made a senator; but Corradini was left out of active political life and, luckily for him, he died before Fascism crumbled under the weight of a lost war.

Considerable influence was also exercised by Vilfredo Pareto and Gaetano Mosca. At almost the same time (as the nineteenth century blended with the twentieth) and for almost the same reasons, these two Italian philosophers of the "leading classes" disapproved strongly of parliamentary regimes and democratic practices. They further maintained, against a doctrine that dated back to Aristotle and had been more or less accepted by all students of politics, that the true political forms of government are never monarchies, aristocracies, or democracies. In Pareto's and Mosca's view, these are such only in name: in reality, all social organizations are led and governed by a "ruling class" (an *élite*, or oligarchy) that, possessed of greater social vitality and useful-

ness than the other classes, guides and dominates them until it is in turn overpowered by another *élite* more vigorous and alert and capable (*circulation des élites*). No regime is, *per se*, better than another and none is essentially different except for the social composition of the minority, which always governs (for example, the Junkers in Germany, the bankers in the United States, the small landowners in France). This interpretation of political history, which reduces it to a conflict of social groups without ideal values and in which political doctrines play but a secondary role, derives in part from the thesis of Hippolyte Taine (1828-1893) in his *Origines de la France contemporaine*. In this huge and unfinished work the great French historian sought to show that the French Revolution was due to a decadence of the aristocracy that had dominated the nation for centuries and then had been replaced by a new aristocracy, fresher and more aggressive. The social and political process was thus totally committed to the play of natural forces whose conflicts were glossed over with a veneer of intellectual and moral principles. It was a concept of history similar to that of Marx. But the latter attributed historical changes and the political predominance of minorities to economic transformations in the means of production; Pareto and Mosca traced them to moral forces.

These historical and social doctrines, which asserted the mission of conscious, active, dynamic, daring minorities, and their natural right to seize power in the face of inert and tired masses, were quite popular in the decades that preceded communism in Russia, Fascism in Italy, and Nazism in Germany. In Italy, faith in such an energetic minority representing the nation (the masses were dull and blind and the wealthy classes idle and fearful) grew when Italy entered the war in May 1915 despite the open opposition of the parliament and the displeasure of the country's majority. Interestingly, it was during that period (from September 1914 to May 1915), when a political minority imposed Italy's intervention in the war, that the first *Fasci* were founded. That minority, fully aware of being such, was the cradle of Fascism and gave the movement its name. When Fascism was not yet being spoken of, it was the same minority that first used against the parliament the methods of violent pressure that became so familiar later, in the period between 1919 and 1925. The conviction that the country's destiny was not to be left to votes in

parliament and in national elections was further strengthened by the expedition to Fiume (September 1919) led by the then very popular poet and soldier Gabriele d'Annunzio to prevent the surrender of the port to Yugoslavia.

#### CROCE AND SOREL

Another remarkable coefficient for weakening regard for the parliamentary regime and spreading the belief that history is made not only by legitimate assemblies but often by audacious minorities was all the early work of Benedetto Croce (1866-1952), from the publication of his *Estetica* (in 1902) to at least 1925. Those years Croce (a Croce unknown in America) used his sarcastic wit, his formidable erudition, his unrelenting logic, his pointed anecdotes to fight what he termed the *masonic mentality*, or a naïve faith in the rationalistic and optimistic principles of the eighteenth century and a fatuous belief in social remedies that were to end men's conflicts and wars. The dominating figure and the leader of Italian culture during the first twenty years of the century, Croce helped spread moral contempt for the democracies. He leaned favorably toward imperial Germany, republished writings of conservatives and even reactionaries (such as Vittorio Imbriani). But later his bent toward opposition led him stoutly to resist Fascism.

To Croce chiefly is due the first presentation of a French writer who was to have more influence and fame in Italy than in his own country: Georges Sorel. His *Réflexions sur la violence* (a work little known in English-speaking countries) went through several editions in Italy. Italian magazines and daily papers also carried the unusual articles, strangely conceived and without a precise logical order, by this somber thinker, conservative and at the same time revolutionary, one of the more indicative manifestations of what was soon to be: the world wars and the faith of the new generations in the power of the subconscious rather than the rational. Mussolini (and Lenin, it is said) read and admired him. One cannot study the ideological formation of Fascism without becoming aware of how deeply Sorel inspired and aided it.



## GENTILE

But it was Giovanni Gentile (1875-1944) who formulated Fascist ideology in the most coherent, valid, and philosophical way. He too came to Fascism from other currents of thought. Gentile had been Croce's faithful collaborator during the latter's antidemocratic period. He had come from a pure Hegelian tradition in Italy (where Hegel had few but ardent supporters during the *Risorgimento*, especially in the South). Like Croce, Gentile had started with German idealism, a school of thought for which, to use the words of Croce himself, the physical facts do not exist. Gentile was a heroic thinker and his life came to an end when he was murdered by unknown communists in 1944. Prior to Fascism, Gentile might simply have been called a conservative (on Burke's type). Although as a philosopher he denied the absolute value of religion, he recognized the usefulness of teaching it to the masses and the children. In fact, almost alone, he had held for years that the Italian state (which before Fascism was neutral and did not permit the teaching of religion in public schools and recognized only the academic degrees granted by its own lay schools) should allow the teaching of Catholic doctrine in elementary schools. At that time this might have seemed rather strange, but it was logical, given the idea Gentile (and Croce) had of the religious problem. When Fascism reached power, Mussolini called Gentile to direct the Ministry of Public Education. Gentile had been until then but a university professor, never a senator or a member of the parliament or even a candidate for political office. In that first period he called himself a liberal (he was editor of a review entitled *L'Educazione liberale*). He liked the opportunity Fascism offered him to make a complete reform of the Italian schools. But save for a small group of teachers personally devoted to him, none in the country was ready to understand, much less support him. Gentile's gratitude to Mussolini was such that, "liberal" or "conservative" though he claimed to be, he accepted Fascism completely. Gentile tried, however, to inject into Fascism those modes of thought that his idealistic and Hegelian philosophy dictated. Needless to add, his language was incomprehensible to the majority of the Fascists. What is more, Gentile had a large number of enemies within the teaching class. Finally, he was re-



garded with suspicion by the Catholic Church, which had understood that his thought contained the concept that the state was the inevitable adversary of the Church.

### THE FASCIST DOCTRINE

When the *Enciclopedia Treccani* (the highest cultural endeavor of Fascism) was about to be published in 1933, Gentile was its director; and the doctrinal part of the article *Fascismo* is his although it appeared in the *Enciclopedia* under Mussolini's name.

The text of the article might just as well have been written in Arabic for the greater number of his followers to whom, in the last analysis, it made little difference whether the Fascist state declared itself spiritualist or idealist. What mattered was that Fascism satisfied certain sentiments of national pride, provided a strong, stable government, and brought employment—this last of extreme importance in a country of such steady unemployment for both intellectuals and laborers as Italy. The enthusiasm with which a great part of the population hailed the Fascist regime—an enthusiasm that lasted at least until the Spanish Civil War (1938)—was not at all due to the ideas expressed in Gentile's article or in other publications.

But the article is in itself of much interest. Gentile was a philosophical mind of the first magnitude. Together with Croce he dominated Italian thought between 1900 and 1940. Then, after his death, it was his legacy, more than Croce's, that continued to influence men and ideas. Croce was a much more systematic thinker, richer in literary gifts, culture, and affability. His system is the better organized and, it may even be said, so perfectly organized and esthetically formulated as to leave no possibility for further development. But Gentile worked in depth and, though not always clear and at times repetitious, he has a power to stir the mind and heart rarely found in Croce. Croce compiled a vast encyclopedia of philosophical sciences where one can find an answer to all the problems of his time and to which nothing need be added. Gentile on the contrary touched only certain points (teaching, art, religion) and left everywhere a leaven that is still brewing. The interesting thing is that Croce himself was led by the

internal criticism of Gentile to modify his philosophic positions, particularly in what concerned the structure of his system that seemed to Gentile to have imperiled the unity of the Spirit.

Now, Gentile's article, which gave precise form to the tendencies and ideas current among Fascists, is a sort of translation into Hegelian language of whatever deep, and perhaps turbid, boiled in Fascism as in all revolutionary movements. Gentile's article, first of all, succeeds in giving unity and coherence of form to tendencies that differed by reason of time, origin, and nature. It is a document not lacking nobility and, within the idealistic framework, the principles therein expounded cannot be easily challenged. The article is written in a compact and sober style. It is clear, too, once one becomes acquainted with the German philosophic terminology. The main body of the article comprises seven pages in large type. The rest is annotation, commentary, documentation, and history.

Here are some notable passages. "Fascism is action and it is thought: action in which doctrine is immanent, and doctrine arising from a given system of historical forces in which it is inserted, and working on them from within." All this sounds like abracadabra to the unprepared reader. Yet the meaning is clear: Fascism is not born of external forces: it is an autonomous force that moves all that surrounds it materially, men and things; at the same time it does not come from heaven (as in the case of religious revelations) but is born of mankind's history. It is not the effect of an environment: it is instead the latter's internal motor. "It has therefore a form correlated to contingencies of time and space; but it has also an ideal content which makes it an expression of truth in the higher region of the history of thought." As in all important manifestations of life, in Fascism one distinguishes changeable features and an immutable ideal principle. What about the latter? First of all, it is a spiritual principle. For the philosopher schooled in German idealism and for the Anglo-Saxon, this means two different things. For example, Fascism is the negation of individualism. Spirit, in fact, is not that of the single person, the spirit that corresponds only to one's conscience. It is the human, universal spirit, which, it is true, realizes itself in a single person but makes him conscious of belonging to the past as well as to the present, of being one with the state, one with humanity, capable of

suppressing the instinct for life closed in a brief circle of pleasure, in order to build up a higher life, founded on duty, a life free from limitations of time and space, in which the individual, by self-sacrifice, the renunciation of self-interest, by death itself, can achieve that purely spiritual existence in which his value as a man consists.

From the very first paragraphs, one is lifted to a climate of stern morality, a morality that promises no other reward for moral action save that of being, through it, immersed and sublimated in man's highest manifestation. But in this ideal there is nothing of the contemplative. The Fascist ideal makes action imperative: "Fascism wants man to be active and to engage in action with all his energies . . . manfully aware of the difficulties besetting him and ready to face them. It conceives of life as a struggle . . . as for the individual, so for the nation, and so for mankind." Fascism, therefore, lays stress on culture, education, work. Obviously, these statements by Gentile reaffirm the concept of activism that has often caused Oriental thinkers to look with disdain on the Whites and their history, and that manifested itself in the great colonial adventure of the nineteenth century as well as in the aggressive, expansionist wars of peoples such as the Germans and the Russians. But in Italy this ideal of activism was almost a new ideal, at least as far as the government or the dominant party was concerned.

This activism was, however, no vulgar unleashing of instincts. It was guided by an ethical concept. Gentile says: "Life, as conceived by the Fascist, is serious, austere, religious; all its manifestations are poised in a world sustained by moral forces and subject to spiritual responsibilities. The Fascist disdains an 'easy' life." Of course, the concept of "religion" here referred to is not indicative of any particular positive religion. It merely considers the individual in relation to a superior Will through a bond that makes him the participant in a "spiritual society." It is a concept that could be accepted by the Protestant as well as the Catholic, or perhaps simply by the patriot who places country before self. At any rate, the statement remains an anti-individualistic one. As said before, Fascism was the outlet for the many currents of reaction hostile to the French Revolution, which was accused of having split social life into atoms—the citizens. And less consciously but not less peremptorily Fascism was against the Anglo-

Saxon concept of the state as "an agency for the welfare of the individuals." This is one of the tersest and firmest points of Fascist doctrine. Contrary to Anglo-Saxon thought, Fascism refuses to admit the existence of a conflict between the state and the individual. For the Fascist, the state must be found in the very soul of the individual, who, to be a true human individual, must feel himself part and parcel of the state. To explain this concept so foreign to Anglo-Saxon thought one would be tempted to refer, by way of comparison, to the Christian dogma of God's incarnation in Christ. For Gentile, the state is a divinity that realizes itself, incarnates itself as it were, in the individual. An individual who is truly a man has and feels in himself the laws, the power, the dignity of the state. The citizen's will (not his imagination or his arbitrary pleasure), if it is ethical, will coincide with the state's will. The individual acquires worth and truth through identification with the state. It is precisely here that Fascism, as already noted, manifests itself as the most antiliberal of doctrines, more antiliberal than anticommunist. There is a closer analogy between communism and Fascism than between Fascism and the liberal idea. To the same concept of "coincidence" the concept of liberty is subject: the truly free citizen is he who operates in full agreement with and for the state. In the words of Gentile:

The Fascist conception of the State is all-embracing; outside of it, no human or spiritual values can exist, much less have worth. Thus understood, Fascism is totalitarian, and the Fascist state—a synthesis and a unit inclusive of all values—interprets, develops, and potentiates the whole life of a people.

As a consequence, individual and group activity (political parties, cultural associations, economic unions, social classes) can be exercised only with the state's consent and within the state. Here Fascism, which up to this point could otherwise agree with communism, clashes with it. For communism wants the state to represent the interest of one class only—the working class—while Fascism sees the state as an organism superior to all partial and temporary formations. Hence the most radical of all Fascist formulas: All within the state, all for the state, nothing outside the state. (It was this totalitarian and all-embracing view of the state, at least in principle, that drew upon Fascism the severe condemna-



tion of the Catholic Church in Pius XI's encyclical *Non abbiamo bisogno* of 1931.)

Out of this totalitarian but spiritual concept of the state grew the distinction between state and nation that continued in Italy until the time of the alliance with Nazi Germany. Fascism is not satisfied with the concept of nation alone, which it considers a purely naturalistic criterion like race. Originally Fascism was not racist. The most at which Gentile hinted was the *schiatte* (that is, something combining natural formation, like that of animals, and historical formation, born of men's inherited experiences). "It is not the nation which generates the State. . . . Rather, it is the State which creates the nation, conferring volition and, therefore, a real life on a people made aware of their moral unity." Naturally, this point too is incomprehensible and unacceptable to the Anglo-Saxon mind for which the state, through the vote of the majority, is the result of the people's will. For the Fascist, therefore, public teaching must be in the hands of the state and not of private associations; the press must become the organ of the unifying political will of the state. In short, Fascism made its own the concept termed by the German Hegelians "the ethical State." It is not a state that is neutral, indifferent, respectful of "men's rights." It is an active state, a state that, not satisfied with setting limits to individual activity, wants to permeate the will no less than the intellect of the whole man, sinking deep down into his personality.

Fascism, in short, is not only a law-giver and a founder of institutions, but an educator and a promoter of spiritual life. It aims at refashioning not only the forms of life but their content—man, his character, and his faith. . . . To achieve this purpose it enforces discipline and uses authority, entering into the soul and ruling with undisputed sway.

### CORPORATIVISM

A chapter of the Fascist program worthy of particular attention for its origins as well as its consequences is the one that has been termed corporativism. The Fascists used this word to designate certain associations wherein employers and employed, both intellectuals and manual laborers, would come together to discuss their problems in the interest of the country or state common to



them. It was to be Fascism's solution to one of the gravest problems of our times: the problem of labor differences and conflicts. The fact that it did not succeed does not make the attempt less worthy of note.

In its origin and in its very name, its idea derives from a Catholic scholar, Giuseppe Toniolo (1845-1918). He was, like many other Catholics of the nineteenth century, a critic of economic liberalism and the advocate of an economic system not to be founded on natural forces to the exclusion of human factors and considerations. Re-presenting and defending, against the liberals, the economy of the Middle Ages, he praised the medieval corporation: and this name was used again by the Fascists when they wanted to establish labor associations to replace those of the socialists and the Catholics.

For a long time, corporativism seemed to constitute Fascism's principal innovation. In politics, Fascism had, in its opposition to the liberal system, simply returned to the authoritarian and police state of the days prior to the French Revolution. But labor problems, non-existent then, took on great importance only at the end of the nineteenth century. In this field, it may be said, the majority of those who took an interest in the corporative state (which for some was eventually to replace the parliamentary system) were not of Nationalist but of revolutionary and Fascist origins. It is in this sector, then, that the most original expressions of Fascist thought as such are to be sought.

The syndicates in Europe had a meaning and an aim rather different from the Anglo-Saxon and, in particular, the American union. The latter's purpose was to enrich the workers through the enrichment of their employers. The end of the European syndicates was the creation of a society controlled by the workers through their labor associations. To many these syndicates seemed destined to form the cells of an entirely new world founded on work. It was, then, a moral ideal, a moral aim that was being advanced. In this vein spoke Georges Sorel, a prophet of the new world to be built by the syndicates. While he remained almost unknown in England and America, he became very popular among French and Italian socialists—and Mussolini was one of them.

It should not seem strange, therefore, if in the Fascist meetings of students of corporativism (which, under Fascism, became a science and was taught in the universities in much the same way as,

say, political economy) extreme opinions were presented and defended. Some (like Ugo Spirito) went so far as to propose a reform of property in a corporative sense. But such exciting novelties did not please the most powerful segment of the Fascist leaders, who saw in corporativism but a means to control the forces of labor and prevent strikes. The representatives of the various syndicates were never elected by the workers through free balloting. They were in reality hand-picked by the central authorities. They were but government employees. As a consequence, corporativism, which was supposed to give life to a new social system, a system neither communist nor liberal, remained only a bureaucracy. Instead of solving one of the most fundamental internal problems of the modern state—how to deal with labor associations having a monopoly of power and how to prevent them from opposing or crippling the action of the state—corporativism resolved only the practical personal problems of many Fascists who found in it positions of power and influence.

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PART SIX: *American Political Thought*

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## CHAPTER XXVIII • *American Political Thought\**

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### THE SOURCES

AMERICAN political scholarship like American statesmanship has been primarily problem-conscious rather than metaphysical and doctrinaire. Scarcely a definitive treatise in political theory was produced in America until the famous *Legal and Political Hermeneutics* of Professor Francis Lieber, a German refugee at the University of South Carolina, appeared in 1839. His *Civil Liberty and Self-Government* followed in 1853. America's contribution to the science of government has been largely the adaptation of principles—principles of social adjustment for the common good, most of which had been developed through virtually all the ages of mankind—to expanding geographical frontiers with their necessary scientific inventions and resultant evolutions of social and economic situations. Consequently, political theories that have been applied in America are to be looked for in a multiplicity of sources: the Bible, sermons, classics in political literature, platform addresses of publicists, newspaper discussions, pamphlets, official pronouncements and directives, resolutions of colonial assemblies, colonial charters and constitu-

\* An essay written especially for this work by Milton Conover.

tions, state constitutions with their bills of rights, the Declaration of Independence, Articles of Confederation, the United States Constitution, state and federal statutes, municipal ordinances, opinions expressed with reasons in decisions of state and federal courts, platforms of political parties, debates in legislative sessions, the mores and customs of various people in various geographical sections and their representative pressure propaganda.

Of the impacts on Colonial America of earlier political philosophies, there were four of especial significance: (1) Pulpit interpretations of the Bible, especially those of the New England pulpit; (2) Publications circulated in the eighteenth century including works or derivatives of works by Plato, Aristotle, Livy, Cicero, Saint Thomas Aquinas, James Harrington, John Milton, Richard Hooker, Sir John Fortescue, Algernon Sydney; and by writers of the European continent who had been influenced by classical Chinese political philosophy, especially that of Mencius and Confucius (such as Leibnitz, Christian Wolff, Voltaire, François Quesnay, and Oliver Goldsmith); (3) Roman law and the English common law since Bracton; (4) Instruments of government, particularly the English Magna Carta, the Petition of Right, the Bill of Rights, the Habeas Corpus Act.

Principles derived from such sources would find varying degrees of acceptance because of the geographical and topographical influences and social and religious cleavages in the various areas: Puritans in Massachusetts, Independents in Rhode Island and Connecticut, Dutch in New York, Quakers in Pennsylvania and Southern New Jersey, Catholics in Maryland, Anglo-royalists in Virginia, and French Huguenots in South Carolina. Frontier civilizations moving from these Atlantic tidewater topographies across the continent to California and the Southwest met the long established Spanish colonial civilization—which likewise had moved up from Panama—and wrought consequent political adjustments upon acceptable theories or principles. Then the closing of the frontier with the rise of cities brought newer problems of urban and international import that were unpredictable by either the Atlantic or the Pacific colonists. But through it all, and until the establishment in San Francisco of the United Nations in 1945, those colonial ideas of government persisted however modified in application as circumstances dictated. From such applications have been fashioned fifty states which have proved fifty modern

experimental laboratories for the testing of ancient political theories and for the possible invention of other political institutions.

These fundamental American political principles were established progressively and firmly during three initiatory periods: the Colonial, the Revolutionary, and the Constitutional. After 1789, there were periods of development in which emphasis on certain of these ideas waxed and waned in cycles. For instance, the original principle that the state and national governments should be divided into three separate departments, namely the executive, legislative and judicial, has continued persistently, to warrant a system of checks and balances for the defense of the individual citizen against governmental tyranny. Initially, the legislature was favored for power over the executive branch due to experiences under colonial executives. Later the courts were sought by the people to restrain legislative proclivities and spending power. Afterward, the courts were felt to need a certain balancing by the executive. But each of the departments has been continually desired.

#### THE COLONIAL PERIOD

During the colonial era, political theories were expressed individually by leading and learned thinkers and collectively by assemblies. Together they comprised seminal origins for subsequent commonwealths. Individuals pre-eminent in this regard were Thomas Hooker (1586?-1647) of Connecticut; John Wise (1652-1725) of Massachusetts; Roger Williams (1603?-1682) of Rhode Island; and William Penn (1644-1718) of Pennsylvania.

Thomas Hooker, one of the founders of Connecticut, is not to be confused with the English Richard Hooker, whose *Ecclesiastical Polity* allegedly served to convey some of the political philosophy of Saint Thomas Aquinas to John Locke and thence to Thomas Jefferson. But Thomas Hooker of Connecticut, like Saint Thomas and Richard Hooker and Thomas Jefferson, did maintain democratic ideals. Some of them were embodied in the Fundamental Orders of Connecticut as adopted in 1639, and served for Connecticut as a written Constitution. In sermons, Thomas Hooker stressed his political principles. The long-cherished maxim that the consent of the people was necessary to righteous government he held essential. This connoted popular elections. He sanctioned the right of the people to place limitations upon govern-

ment, which principle has become of increasing importance for individual liberty in America with the increasing governmental functions and corresponding governmental powers as instanced by the enactment of the Federal Administrative Procedure Act of 1948 and its proposed modification according to the Hoover Task Force Recommendations of 1956.

John Wise of Massachusetts, a Harvard graduate and Congregational clergyman, acquired classification as "the first great American democrat." An ardent proponent of liberty, he led a noteworthy case of resistance against an attempted tax plan of Governor Edmund Andros. In his *Word of Comfort to a Melancholy Country* (1721) he supported paper money, and in his *Vindication of the Government of New England Churches* (1717) he considered fundamental notions of local government—a subject anticipatory to Jeffersonian Democracy and a later urban age demanding state autonomy and municipal home rule respectively.

In the accomplishments of Roger Williams, American political philosophy as a derivative of European culture wedded to the American frontier is well illustrated, if not typified. A graduate of the University of Cambridge, a protégé of Sir Edward Coke and a personal friend of John Milton, he founded Providence in 1636 while in his early thirties. His statesmanship as president of Rhode Island with his authorship including *The Bloudy Tenent of Persecution for Cause of Conscience* established four political principles into the permanent fibre of American civilization: natural rights, religious freedom, human rights, and popular sovereignty. As a natural right, religious freedom was the right of Jews, Catholics, and the much persecuted New England Quakers, as well as of members of other faiths. In this he was a spiritual predecessor of William Penn in Pennsylvania and of Lord Baltimore in Maryland. So in Providence there was religious liberty and realistic separation of church and state.

Principles were put into practice. During Williams' presidency, Rhode Island received its first Jewish immigrants and provided a haven from persecution for Quakers. Human rights were implemented in Williams' treatment of Indians and in his opposition to King Philip's War. Popular sovereignty had been Williams' principle when he wrote that "the Sovereigne, originall, and foundation of civill power lies in the people." Neither "Kings or Parliaments, State, and Governours" had any rights to power "then



what the People give." Consequently, "a People may erect and establish what forme of Government seemes to them most meete."<sup>1</sup>

In actual practice, therefore, the town government of Providence was for a time a primitive democracy wherein "all heads of families had an equal voice." Like Saint Thomas Aquinas, Roger Williams regarded as the object of government the advancement of the common good wherein good will among men would constitute a firm social solidarity. Modern writers have regarded Williams as a forerunner of Thomas Paine in political philosophy, as well as of the French romanticists.<sup>2</sup>

William Penn, who helped to found Pennsylvania, New Jersey, and Delaware, had been trained at the Huguenot Academy at Saumur in France, dismissed from the University of Oxford for non-conformity, further educated in law at Lincoln's Inn, and profoundly influenced in Ireland by Thomas Loe. He might be classified more as a humanitarian and tolerationist than as a democrat like John Wise and Thomas Hooker.

Problem-minded, Penn established precedents by applying principles to situations as they arose. With the Indians of Pennsylvania he made a treaty and asserted that "the Indians and English must live in Love as long as the Sun gave Light"—a policy that became more general when in 1924 the American Congress permitted the Indians, the original Americans, to attain to American citizenship. His religious toleration, especially his close friendship with King James II, caused him to be charged repeatedly with being a Jesuit in disguise rather than a Quaker. His boundary problems with Lord Baltimore and Maryland were solved amicably. His democracy was more of the substance than of form as seen in his Concessions and Agreements of 1677 for colonists in New Jersey, and as indicated by his maxim in his Frame of Government for Pennsylvania in 1682, to wit: "Any Government is free to the People under it (whatever the Frame) where the Laws rule, and the People are a Party to those laws."

<sup>1</sup> See Narragansett Club Publications III, Providence (1866-1870) 249, 250, 355. "The Bloudy Tenent" in part is reproduced in J. Mark Jacobson, *The Development of American Political Thought—A Documentary History* (New York: Century Co., 1932) pp. 71-76.

<sup>2</sup> See R. G. Gettell, *History of American Political Thought* (New York: Appleton-Century, 1928) citing J. E. Ernst, "The Political Theory of Roger Williams"—a doctoral dissertation at the University of Washington.



Penn's governmental interests being humanitarian, they extended to international application. In his *Essay Towards the Present and Future Peace of Europe* in 1693, he urged the establishment of a permanent international parliament or congress looking to that objective. Subsequently, in 1697, he presented to the Board of Trade in London a plan whereby all the American colonies might be united. In his constitutions, Penn applied ideas embodied in James Harrington's *Oceana* in such a way as to win approval in Europe including that of Montesquieu and Voltaire. Experience, however, had taught him some weaknesses in democracy, especially the insatiable hunger for more and more, as when he wrote to a pressing Colonial: "For the love of God, me, and the poor country, be not so governmentish, so noisy, and open, in your dissatisfactions"—a remark that might become the authors of the Taft-Hartley Act of 1948 or the taxpayers of a welfare state. Later Thomas Jefferson called Penn "the greatest lawgiver the world has produced; the first in either ancient or modern times who laid the foundations of government in pure and unadulterated principles of peace, of reason, and of right." It would seem that Penn's ultimate success was due largely to self-effacement in his practical application of venerated theories including the essence of the natural law.

John Woolman (1720-1772), a New Jersey farmer with but few pretensions to formal education, concerned himself locally with three policies that eventually became realized nationally and internationally and stamped him as an initial "Apostle of Human Freedom": the abolition of slavery, the amelioration of the landless and the poor, and—with lesser immediate success—the abolition of militarism. Realist as well as idealist, Woolman visited slave centers in Perth Amboy, New Jersey, and in Newport, Rhode Island, and labored among his fellow Quakers for the ending of this unchristian trade—even as Father Las Casas had struggled against Indian slavery in the Spanish colonies of America about two centuries before. Woolman's *Considerations on the Keeping of Slaves* appeared in 1754 and fifteen years later his own New Jersey imposed an import duty on the slave trade. Two years later, almost simultaneously with the passing of the Declaration of Independence in Philadelphia, the Philadelphia Yearly Meeting of Friends officially acted to disown any members who refused to free their slaves, thereby exceeding the Declaration in the doctrine

of equality and precluding in principle the arbitrament of the sword.

Woolman's social politics extended to others than slaves. Laboring for the poor and the landless and for those whose lot forced them to work under conditions that might evoke the commiseration of slaves, his *Plea for the Poor* appeared in 1763 and was republished in 1897 as a tract for the Fabian Society in England. His aversion to war as a political policy was expressed in his opposition to taxation and the conscription of men for military purposes—a policy that in the nuclear age could be considered as an eventual alternative to nihilism.

A principal colonial contribution to the science of government was the written constitution defining rights of persons and limiting government authority, which conditions established lasting principles. Some anticipatory prototypes were: (1) charters granted to mercantile companies operating colonization projects in America; and (2) instruments of government formulated by proprietors of colonies, or their leaders, or by the colonists themselves. Charters granted to commercial companies between 1550 and 1700 numbered more than fifty.<sup>3</sup>

Of these the English Virginia Company was chartered in 1609—two years after the settlement of Jamestown. It applied to 715 persons and organizations. They were permitted to form their own government, to make their own laws, and to repel invasions, i.e., to constitute an original American political experiment station. This matter, it seems, eventually interested Lord Baltimore. More important, the Charter guaranteed to all Englishmen who settled in the colony the rights of free-born Englishmen. This became a matter for reference by 1776. The rights included immunities, liberties, and franchises, and they extended to the posterity of the colonists. Here also was a legal basis for civil rights and local self-government so dear to the Virginian of the later national era. John Quincy Adams epitomized the political significance of such colonization: "By bestowing upon the colonies themselves an organization perpetually tending to independence, it gradually predisposed the minds and measures of men to that final separation from the

<sup>3</sup> R. G. Gettell, *History of American Political Thought*, p. 33. See also his *History of Political Thought* (New York, Century, 1924), pp. 299-301, treating of political theory from ancient origins and from a more nearly world-wide perspective.

parent stock which it was impossible not to foresee must, in the lapse of ages, prove unavoidable.”<sup>4</sup>

Virginia well illustrated this trend, but not with the same stimuli as the New England and Middle Atlantic Colonies. Her relation to the mores of the ruling classes of England was a tempering influence that was not so effective farther north or in the Carolinas. In Virginia, the Church of England was established; likewise the Royalist tradition. The plantation system with slave labor was congenial to the feudal residues of England. Sir Walter Scott's novels of chivalry eventually found appreciative readers in plantation society. Colonial Virginia, like colonial Massachusetts, was not too avid for the democracy of the masses—or for the education of the masses. But the spirit of the charter government flourished in pre-Jefferson days. When the Revolution came, a Virginia gentleman, George Washington, was nominated by a Massachusetts statesman, John Adams, to lead the forces for independence.

The Puritans of colonial Massachusetts drew heavily from the Old Testament for support of their political theories—although cognizant of the English common law, English political precedents, and John Calvin's polity at Geneva. Many of their theories are now archaic matters of history. Of those that lived and matured into twentieth-century observance were: the contract idea of a constitutional government, the separation of powers for checks and balances, the right to local self-government, and limited suffrage.

The contract principle was utilized for both ecclesiastical and political government—the “church covenant” and the “plantation covenant.” They were coordinated. The idea of the latter was crystallized before the landing at Plymouth Rock.

Governor William Bradford in 1620 recorded the need observed on the *Mayflower* for a written agreement to abide by recognized social principles upon which the Colony of Plymouth should be founded:

This day, before we came to harbour, observing some not well affected to unity and concord, but gave some appearance of faction, it was thought good there should be an association and agreement,

<sup>4</sup> Collections of Massachusetts Historical Society, 3d Series, IX, 202, quoted in Gettell, *History of American Political Thought*, p. 33.

that we should combine together in one body and to submit to such government and governors as we should by common consent agree to make and choose, and set our hands to this that follows, word for word. . . .<sup>5</sup>

Two months of confinement to the ocean-churned *Mayflower* might well have reduced the Puritans temperamentally to a Hobbesian state of nature requiring such a government or Leviathan.

In the Mayflower Compact the sacred nature of the contractual principle was primary. Personal submission and obedience were considerations to be rendered by each individual, for which he was to acquire the advantages of general good. The laws were to be just and equal. Here were the germinal forces of a polity that would be thoroughly American for centuries, however limited in content:

In ye name of God Amen. We whose names are underwriten, the loyall subjects of our dread Soueraigne Lord King James by ye grace of God, of Great Britaine, Franc, & Ireland king, defender of ye faith, &c.

Haueing undertaken, for ye glorie of God, and advancemente of ye christian faith and honour of our king & countrie, a voyage to plant ye first colonie in ye Northern parts of Virginia. Doe by these presents solemnly & mutually in ye presence of God, and one of another, couenant, & combine our selues togeather into a Ciuill body politick; for our better ordering, and preservation & furtherance of ye ends aforesaid; and by Vertue hearof to enact, constitute, and frame such just & equal lawes, ordinances, Acts, constitutions, & offices, from time to time, as shall be thought most meete and conuenient for ye generall good of ye Colonie: unto which we promise all due submission and obedience. In witness thereof we haue hereunder subscribed our names at Cap—Codd ye .11. of Nouember. . . .<sup>6</sup>

The theory of checks and balances, to be assured through a separation of powers, found some support in Scripture wherein

<sup>5</sup> Alexander Young, "Chronicles of the Pilgrim Fathers," Boston: 1841, 120, reprinted in Albert Bushnell Hart, *American History Told by Contemporaries*, Vol. I (New York: Macmillan Co., 1926), p. 344.

<sup>6</sup> William Bradford, *History of the Plimoth Plantation* (Fac-simile from the original manuscript, with an Introduction by John A. Doyle [London and Boston, 1896], 54, reprinted in Hart, *op. cit.*, p. 344. This compact and other early charters are collected also in B. P. Poore, *Constitutions and Charters*.



the Israelites of the Exodus, having suffered under the tyranny of the Pharaohs, determined against a probable parallel. They recognized their chief leader, their judges, and eventually their prophets. Likewise, their congregation lent importance to local authority.<sup>7</sup>

Limited suffrage was logical to the Puritan faith in God's elect. Government should be administered by the righteous—God's elect. The Puritans were not too tolerant with those who might be considered of the non-elect such as Roger Williams or the Quakers. The Thomistic concept of the inherent dignity of the human soul apparently did not appeal to them enough then to insure the belief that "all men are created equal," although they might accept "equality of all men before God."

Some might even perceive biblically that there was "democracy in the Fall, but aristocracy in the Redemption"—a sort of spiritual aristocracy. John Cotton, the Puritan leader who led the attack on the "radicalism" of Roger Williams, wrote in 1636—the year of the founding of Harvard College—to Lords Say and Seale:

Democracy, I do not conceyve that ever God did ordeyne as a fitt government eyther for church or commonwealth. If the people be governors, who shall be governed? As for monarchy, and aristocracy, they are both of them clearly approved, and directed in scripture. . . .<sup>8</sup>

This idea experienced certain elements of recrudescence in America after World War I was fought "to make the world safe for Democracy," and after World War II upon the advent of the scientific age that sent man-made satellites to orbit around the sun.

The principles of equality, of isolation, and of pacifism were fundamental in Lord Baltimore's Instructions to Colonists in 1633 directing:

That in fine they bee uery carefull to do justice to euery man w<sup>th</sup>out partiality, and that they auoid any occasion of difference w<sup>th</sup> those of Virginea and to haue as little to do w<sup>th</sup> them as they cann this first

<sup>7</sup> See Oscar S. Straus, *Origin of the Republican Form of Government in the United States of America*, 1885.

<sup>8</sup> Thomas Hutchinson, "History of the Colony of Massachusetts-Bay" (London, 1760), I, 496-501, reprinted in J. Mark Jacobson, *The Development of American Political Thought—A Documentary History*, p. 33.



yeare that they conniue and suffer little iniuryes from them rather than to engage themselves in a publique quarrell w<sup>th</sup> them. . . .<sup>9</sup>

That the Maryland colonists found that their principles stood the pragmatic test is evident from the subsequent testimony of the Jesuit, Father Andrew White, who in 1634 narrated of negotiations for land from the Indians with results which seemed to them miraculous:

God, by these miracles, opened a way for his law and for eternal life. Some emigrate, and others are daily relinquishing to us their houses, lands and fallow-fields. Truly this is like a miracle, that savage men, a few days before arrayed in arms against us, so readily trust themselves like lambs to us, and surrender themselves and their property to us. The finger of God is in this; and some great good God designs to this people.<sup>10</sup>

In 1639, "The Fundamental Orders" of Connecticut were drawn up at Hartford by a popular assembly to constitute the basic law of the commonwealth. They provided a framework for government with a representative assembly that should not adjourn without the consent of the majority and in which there was to be liberty of speech.<sup>11</sup>

A further popular advance was realized two years later in Rhode Island in the "Newport Declaration":

The Government which this Bodie Politick doth attend unto in this Island and Jurisdiction thereof, in favour of our Prince is a Democracie or Popular Government; that is to say it is in the power of the Body of Freemen orderly assembled or the major part of them, to make or constitute just Lawes, by which they will be regulated, and to depute from among themselves such ministers as shall see them faithfully executed between man and man.<sup>12</sup>

<sup>9</sup> "The Calvert Papers" (Maryland Historical Society, *Fund-Publications*, No. 28, Baltimore, 1889), 131-140 *passim*, reprinted in Hart, *op. cit.*, p. 252.

<sup>10</sup> Rev. Father Andrew White, "A Relation of the Colony of the Lord Baron of Baltimore in Maryland" (Baltimore, 1847), 18-24 *passim*, reprinted in Hart *op. cit.*, p. 256. Father White's letter was in Latin, and translated by N. C. Brooks in 1847.

<sup>11</sup> J. Hammond Trumbull, compiler, "The Public Records of the Colony of Connecticut," 1636-1665 (Hartford, 1850), 20-25, reprinted in Hart, *op. cit.*, pp. 415-419.

<sup>12</sup> Rhode Island Records, I, p. 112, quoted in Charles E. Merriam, *A History of American Political Theories* (1928), p. 18n.

This democracy, it is noted, did not yet extend to all male adults. It concerned the "Body of Freemen," who as yet were to tolerate within Rhode Island a center of the slave trade.

The supremacy of fundamental agreements over subsequent statutes, at least in matters of religion, was assured by Lord Berkeley and Sir George Carteret in their "Concessions and Agreements of the Proprietors of East Jersey" in 1665:

. . . noe person qualified as aforesaid within the said Province at any time shalbe any waies molested punished disquieted or called in question for any difference in opinion or practice in matters of Religious concernements, who doe not actually disturbe the civill peace of the said Province, . . . any Law Statute or clause conteyned or to be contained usuage or custome of this Realme of England to the contrary thereof in any wise notwithstanding.<sup>13</sup>

"The Concessions and Agreements" established through William Penn in 1677 for the government of some 200 colonists at Burlington, New Jersey, provided for popular sovereignty; legislative control of the government; the right of petition; trial by jury (which jury, if concerning Indians, should be composed of an equal number of Indians and white persons); friendly methods for the purchase of Indian lands; freedom of conscience; and freedom of speech in the legislative assembly. Elements of a bill of rights were thus established. These agreements were to take precedence over any subsequent enactment of statutes—thus inaugurating a principle of constitutional supremacy that was to be enshrined in the leading Supreme Court case of *Marbury v. Madison* by Chief Justice Marshall in 1804. Of Penn's *Concessions and Agreements*, Professor Charles M. Andrews, the historian, wrote that they constituted "the broadest, sanest, and most equitable charter drafted for any body of colonists up to that time."<sup>14</sup>

Constitutional developments in the colonies continued to evolve as adjustments to evolving social situations. At first the constitutions were much like statutes. Circumstances wrought their recognition as superior to mere statutes. Eventually they were established by a special convention representing the authority of the

<sup>13</sup> "Documents relating to the Colonial History of the State of New Jersey" (edited by William A. Whitehead, Newark, 1880), I, 28-39 *passim*, reprinted in Hart, *supra*, pp. 563, 564.

<sup>14</sup> C. M. Andrews, *Colonial Self-Government* (1904), p. 121.

electorate, which made them a fundamental law. By the end of 1780 precedent was established in Massachusetts for submitting the constitution to the voters for approval, making it the instrument of popular sovereignty—a mark of progress from the Company Charter of 1550 and the Mayflower Compact of 1620. Before the end of the Revolution, each colony except Rhode Island and Connecticut had adopted a new constitution. These two exceptional colonies carried on with their time-tested instruments.

Between the outbreak of the Revolutionary War and the Civil War the average adoption of constitutions had been more than one per annum. During the three decades following 1860, seventy-six constitutional conventions were held and seventy-two constitutions drafted. Of these, sixteen were made operative by the conventions. Others were sent to the voters, who ratified them as the popular sovereigns—succeeding to their seventeenth-century inaugurators. In fact, after 1840 many of these constitutions did more than create and restrain governing functionaries. The popular sovereigns actually legislated via constitution, reducing in a measure the fundamental instrument to the level of a statute. The voluminous constitution of Oklahoma as adopted in 1907 was utilized subsequently at the University of Oxford as a specimen of American popular statecraft.

#### THE REVOLUTIONARY PERIOD

Varied causes and political theories of the American Revolution were epitomized in the Declaration of Independence as penned principally by Thomas Jefferson. He claimed virtually no originality in the ideas expressed therein. His contribution was his graphic presentation of ideas current in the minds of American thinkers of his time, who in turn had inherited them from multiple authorities—ancient, medieval, and eighteenth-century, as observed heretofore.

Among the most compelling ideas were the theory of government based on a contract between the government and the governed, natural law and natural rights, and the resultant right of revolution when either the fundamental contract or the natural rights were violated.

The theory that legitimate government resulted from a voluntary contract between the governed community and the govern-

ing authority had been axiomatic among some of the political philosophers since the thirteenth century. It had been stressed in American colonies since the Mayflower Compact of 1620. The later Massachusetts Bill of Rights had stated that "the body politic is formed by a voluntary association of individuals; it is a social compact by which the whole people covenants with each citizen and each citizen with the whole people, that all shall be governed by certain laws for the common good."

Such theory of government by the consent of the governed soon found a reference to matters of taxation upon the enactment of the English Sugar Act and Stamp Act. In 1765, pamphlets written almost simultaneously by scholars of eminence were widely current in attacks on these Acts. Immediately influential was Stephen Hopkins (1707-1785), whose pamphlet on *The Rights of Colonies Examined* appeared in 1764, the same year Brown University was founded as Rhode Island College. He was its first chancellor, having previously been Colonial Governor of Rhode Island and in attendance at the Albany Convention, where he favored the Plan of Union of Benjamin Franklin, his close friend. His attacks on the proposed Acts of Taxation were made "on the ground that direct taxation of an unconsenting people was tyrannous," and he considered "the theory of colonial home rule," which later was elaborated by John Dickinson. While Hopkins' *Rights of Colonies* was being circulated extensively in 1765, another pamphlet appeared presenting *Consideration on the Propriety of Imposing Taxes in the Colonies . . . by Act of Parliament* by Daniel Dulany (1722-1797). The son of a lawyer, he had been educated in England at Eton College, Cambridge University, and at the Middle Temple, and admitted to the Bar of Maryland. He held that "taxation without representation was a violation of the common law of England." His principles were influential in both England and America. William Pitt drew from them when speaking in Parliament for the repeal of the taxation. Charles Carroll considered Dulany "indisputably the best lawyer on this continent." Dulany was not of the politically immature or violent radical groups and, at the outbreak of hostilities, withdrew to private life.

Of like poise was John Dickinson (1732-1808), the "Penman of the Revolution," a native of Maryland of a Quaker family, who



also had studied at the Middle Temple in London nearly four years. His pamphlet on *The Late Regulations Respecting the British Colonies* expressed his opposition to the Sugar and Stamp acts. In 1768 his *Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies* were published. They were pacific in spirit and favorable to conciliation—somewhat of the maturity of Edmund Burke. Eventually he voted against the Declaration of Independence. Yet, save for one other gentleman, he was the only member of the Congress actually to take up arms in the war when it did break out. How many times in history this phenomenon has recurred may not be entirely impertinent to the history of American statesmanship. So few who have pressed for war have participated in its battles and vice versa.

In 1765, while these three pamphlets were being circulated initially, James Wilson (1742-1798), a youthful native Scotsman who had studied at St. Andrews and Edinburgh universities, arrived in America. After studying law in the office of John Dickinson for a few years he settled in practice at Carlisle, Pennsylvania. His *Considerations on the Nature and Extent of the Legislative Authority of the British Parliament* concluded that such authority was quite nil. These *Considerations* likewise were widely read by thoughtful persons in both England and America. His statement that "all the different members of the British Empire are distinct states, independent of each other, but connected together under the same sovereign" cast a plan for conciliation and seemed to anticipate the ultimate British Commonwealth of Nations of the twentieth century.

Relevant to the contract theory was the natural status of the parties to the contract as to their natural rights under natural law, and their situation in a state of nature if the contract should be abrogated. As early as 1763, James Otis (1725-1783), Harvard graduate, Boston lawyer, and correspondent of John Dickinson, had declared that "Every British Subject in America is, of Common Right, by Acts of Parliament, and by the laws of God and Nature, entitled to all the essential Privileges of Britons." So there were God-given rights as well as civil rights. The next year, to counteract the Sugar and Stamp acts, he illuminated *The Rights of the British Colonies Asserted and Proved*, in what Professor Charles H. McIlwain of Harvard 150 years later said was "one of



the earliest and ablest pamphlets written from the natural law point of view.”<sup>15</sup>

Natural law was acknowledged by William Blackstone, whose *Commentaries on the Common Law* also appeared in 1765 and was read profoundly in America as well as in his own England. Standard reading in America also was John Locke's *Two Treatises on Civil Government*, which considers Richard Hooker, who in turn considered Saint Thomas Aquinas, whose theory of natural law was classic—although not always understood correctly by some of his professed followers even in the mid-twentieth century. But Otis, reflecting on the constitutional ideas of Lord Coke and Sir Matthew Hale, sharply invoked fundamental law that embodied principles of natural law. Colonial publicists like John Adams were familiar with at least some attributes of natural law.

From allegiance to the contract theory and the natural law, it was but a short step to belief in the right of revolution when it was felt that the contract had been broken. For the government to enforce a law contrary to the constitution could be regarded as a violation of the contractual relations. For a royal customs collector to procure from the courts *Writs of Assistance* to be used for searches in the enforcement of tax acts was illegal to the legal mind of James Otis. He argued against them in the Superior Court in Boston, and according to John Adams, “American Independence was then and there born; the seeds of patriots and heroes were then sown.”<sup>16</sup> John Adams, witnessing the procedure, noted that Otis had said that

An act against the Constitution is void; an act against national equity is void; and if an Act of Parliament should be made, in the very words of this petition, it would be void. The executive courts must pass such acts into disuse.<sup>17</sup>

How like the reasoning of Saint Thomas Aquinas.

Consciously or otherwise, Otis had taken the same position as Saint Thomas Aquinas in holding that any law contrary to the natural law is no law at all, since natural law is that part of divine law of which man is cognizant. But possibly Otis was thinking of reason in the common law as being superior to an act of Parlia-

<sup>15</sup> C. H. McIlwain, *The American Revolution* (1923), p. 153.

<sup>16</sup> John Adams, *Works*, X, 247.

<sup>17</sup> *Ibid.*, p. 522.

ment, and in doing so he anticipated the position of Chief Justice John Marshall in the Supreme Court case of *Marbury v. Marshall* in 1804 when he held that a congressional statute in conflict with the United States is void.

Thomas Paine, author of *Common Sense*, also took the position that the King of England had broken a contract with his subjects. Patrick Henry in the Continental Congress orated: "We are in a state of nature, Sir. All America is thrown into one mass." And from this state of nature in a Lockean sense, a new government could be formed, a product of revolution. The idea was crystallized in the Declaration of Independence:

Whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundations on such principles and organizing its powers in such form, as shall seem most likely to effect their safety and happiness.

Books in the Library of Congress that once were in the possession of Thomas Jefferson and apparently annotated marginally by him, bear eloquent testimony to his erudite reading in political science. As to the effect of his reading upon the formulation of his own political philosophy, there has been much elucubration. There are impressive evidences of his response to ideas as found in works by Saint Robert Bellarmine and by Saint Thomas Aquinas. How conscious he was of the original sources of his ideas is another matter of interest. Judging from his aversion to Plato's writings and yet the complete harmony of many of his own propositions with those inferred from a correct interpretation of Plato, one might opine that Jefferson's erudition might have originated with him as primely as with his philosophical predecessors. If so, we may account for principles of Plato's *Republic* in the Declaration of Independence despite Jefferson's expressed aversion to Plato's *Republic* when he wrote to John Adams that his reading of it "was the heaviest task-work I ever went through"<sup>18</sup> and that "Socrates had reason, indeed, to complain of the misrepresentations of Plato: for in truth, his dialogues are libels on Socrates."<sup>19</sup>

<sup>18</sup> See *The Jeffersonian Cyclopedia*, ed. by J. P. Foley (1900), p. 697, No. 6680, "Plato's Republic."

<sup>19</sup> *Ibid.*

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Referring to Plato in a letter to William Short, Jefferson also wrote that "No writer, ancient or modern, has more bewildered the world with such *ignes fatui*, than this renowned philosopher in ethics, in politics, and physics."<sup>20</sup>

Yet with modern political hermeneutics, one may perceive readily that Plato's works were proposing precisely what Jefferson desired: freedom of the individual from dominance of the state. Plato's *Republic* may be interpreted, not as a proposed earthy polity, but rather as a symbol of what the human soul seeks, a republic within himself somewhat like William Penn's dictum that "The Kingdom of God is within you." The function of earthly government is to protect this inherent dignity of the human soul—even as Saint Thomas Aquinas would exhort—and as proposed in the Declaration of Independence.

Rooted deep in many sources, the political theories of the American Revolution in 1776-1783 embraced both legal and political rights. Legal rights were claimed from the colonial charters and from the constitution of England, which from the Whig viewpoint was based on natural law: "We Hope In God." Political rights included the rights of man, social contract, and the resultant right of revolution. Beginning with loyalty to the king of England and with hope for obtaining their just rights from him, the colonists proceeded to independence and representative government. To attain representative government it was necessary that constructive principles, rather than revolutionary dogmas, be implemented after the Revolution. Under the Articles of Confederation in 1783-1789 the political philosophers devoted their thinking to this end.

#### THE CONSTITUTIONAL PERIOD: 1789 AND AFTER

The Articles of Confederation in operation in 1783-1789 anticipated the Constitution as adopted in 1789. Experience as a confederation under the Articles revealed the necessity of a "more perfect union," especially in that the confederation was so impotent as a nation, lacking as it did the power to tax or to regulate interstate commerce. While the revolutionaries had sought independ-

<sup>20</sup> *Ibid.*

ence from big government, the importance of some such instrument was now perceived and statesmen proceeded to fashion it.

Statesmen in leadership now were concerned with creative ideas for constructive government rather than with speculations upon democracy or even on a bill of rights. These could be deferred. Their immediate concern was for law and order and property rights. This required stable government. With thirteen separate discordant states, or quasi-nations, each claiming sovereign power such as had been enjoyed by the king and parliament of England, the problem of forming an adequate national power that would allow separate state autonomy and liberty was a major one of political philosophy. Upon its solution depended the form of government and the assurance of human rights.

To secure mutual understanding, a written instrument evolved that came to be considered one of America's greatest contributions to applied political science. In the sweltering heat of the Philadelphia summer of 1787, the Founding Fathers met in Independence Hall without air-conditioning and fashioned the Constitution of the United States, which can be read within a half hour but which gave the word "constitution" a significance it never before had connoted. It is quite different from the Constitution of Athens accredited to Aristotle and for which he was indebted to prior political thinkers, including Solon, Herodotus, Xenophon, Thucydides, and most particularly Androtion. It is distinguished above Justinian's hundreds of *novellae constitutiones*, which essayed to codify the laws of Rome. It went beyond the Constitution of Clarendon of Henry II's England of A.D. 1164, which expressed some of the unwritten customs or mores of the realm. Likewise, it is distinct in nature from the singular "Constitution" of eighteenth-century England, which was unwritten but which included the physical body or structure of the English political system with its governmental organs and its people in their political relationships. It was an original constitution, which William E. Gladstone (whose parliamentary career in England extended through sixty years) said was the greatest political instrument ever struck from the mind of man.

While original, the Constitution contained substantial factors that were not entirely new. In the Constitutional Convention, Benjamin Franklin, its eldest statesman at eighty years, noted that



they had sought ideas from many sources and, not finding sufficient guidance for the American environment, he suggested that they invoke divine aid. As a product of eighteenth-century thought and the ancient antecedents to that thought, the American Constitution contains some of the essence of cosmopolitan wisdom distilled through the ages.

In it, immigrants from many cultures might identify derivatives of their native philosophical heritage and respond to their welcoming warmth. The Constitutional Convention was exposed even to the influence of Confucius' and Mencius' doctrines. These, translated by the Jesuits since the late seventeenth century, had penetrated Europe and from there, through the German Leibnitz and Wolff and the French Turgot and the Physiocrats, had reached Jefferson and Franklin. Incidentally, Franklin, the octogenarian of the Convention, congenial to the more youthful delegates including Hamilton and receptive to youthful vision, could have typified Mencius' idea of a great man: one who has not lost the child's heart. Physiocratic ideas appeared also in Adam Smith's *Wealth of Nations* (1776). Applicable to growing American individualism was the Physiocratic principle of non-interference with workmen who desired to make things even if they did not belong to guilds, unless monopolies and injustice warranted interference by the government—a principle expressed by the term *laissez-faire*. This harmonized with both Jefferson's and Thomas Paine's theory that the less government necessary the better for liberty.

Many other political principles engaged the attention of the Constitutional Convention. Due to the ingenious diligence of James Madison, much of its consideration was recorded and is available.<sup>21</sup>

The Constitution as finally composed and adopted by the Convention in Philadelphia and submitted to the several states for ratification was the stimulus for much more rationalization in political theory. This obtained on both national and local scales. Persuasive essays urging its ratification were published by Alexander Hamilton, James Madison, and John Jay. These were collected in a volume entitled *The Federalist*. For 170 years, these

<sup>21</sup> See Max Farrand's edition of *The Records of the Federal Convention of 1787*, 4 vols. (1911-1937); and his *Framing of the Constitution* (1913), both published in New Haven at Yale University Press.



essays have been accepted as authentic expositions of the purposes of various principles of the Constitution. John Dickinson wrote as "Fabius," urging ratification. In the states, the debates comprised three volumes under the caption "Debates, Resolutions and Other Proceedings in Convention on the Adoption of the Federal Constitution." They were collected and published in 1827-1830 by an English immigrant, Jonathan Elliot. Still available, they are popularly known as "Elliot's Debates."

Of the two major designs of the Constitution, one was to insure protection to the individual from possible emergent tyranny in government—a possible Hobbesian Leviathan—whether wrought by patricians or plebeians. The other design was to provide economy and efficiency in the governmental agencies that should be found necessary to the common good.

The first objective would feature government as a tool or servant of man, rather than man as a slave of the state. This was in harmony with the ideal of Plato's *Republic*, where the function of the state was to advance the individual's personal life, liberty, and happiness rather than to use man's existence for the state as an end in itself.

To protect such happiness of the individual, the American Constitution provided for short terms for the president (four years) and for the representatives in Congress (two years). Governmental power was divided horizontally and vertically. Horizontally, it was divided into three branches: executive, legislative, and judicial—somewhat after the experience of Hebrew government of the Old Testament, and to a measure after the polity of England as elaborated by Montesquieu in *The Spirit of the Laws*. Vertically, the sum of the federal governmental power was comprised of that which the component states had granted to the central or general or national government and of that which was retained by the states. That granted to the national part of the federal government was enumerated in the Constitution and came to be known as enumerated powers. That which remained with the component states constituted the residuum of power or sovereignty. Since the states maintained this residuum of sovereignty, they needed no constitution to grant them powers. Each state, however, formulated a constitution constructing a frame of government. In general they followed the form of the federal government with

the separation of powers. For instance, the Constitution of Massachusetts, adopted in 1780 and still in force, stipulated that

in the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers or either of them; the executive shall never exercise the legislative and judicial powers or either of them; the judicial shall never exercise the legislative and executive powers or either of them—to the end that it may be a government of laws and not of men.

Naturally, men were needed to administer the laws, but they themselves would be under those laws. The power of the legislature was divided into two houses, and the federal purse strings were to be held by that house closer to the electorate—the House of Representatives. A federal Supreme Court was created, which eventually established the supremacy of the Constitution as the fundamental law even as colonial courts had pronounced the supremacy of colonial charters; so that legislative acts in conflict with the fundamental law were null and void just as in Saint Thomas' view any positive law in conflict with natural law was no law. Military service was subordinated to the civil authorities, thereby assuring a bulwark against military dictatorships and military imperialism. This advanced a principle in Plato's most mature work, the *Laws*, wherein he opposes the Spartan type of military man and the idealization of war. (In his *Gorgias*, too, he opposes all imperialism, the Athenian imperialism of Pericles not excluded, and maintains that the best protection of the state is virtuous citizenship and virtuous leadership.)

The second general objective of the federal government, the efficiency of service, was provided by the independence, within limits, of the executive, and by the congressional power to create necessary administrative agencies with congressional supervision over them. Such supervision was spelled out in 1948 in the Administrative Procedure Act, to which modifications were recommended in 1956 in the Hoover Commission Reports.

Many nations have tried to imitate this Constitution.<sup>22</sup> Tributes have been paid to the breadth and depth of its appeal and warnings have been sounded as to disasters that might result from a mis-

<sup>22</sup> See Amos J. Peaslee, *Constitutions of Nations*, 3 vols. (Concord, N.H.: Rumford Press, 1950).

understanding of its philosophical basis or a misinterpretation of its clauses.

For the Constitution was definitely formulated upon a dualistic—a Scholastic—philosophy in which the essential difference between matter and form was recognized, and the Constitution was designed to permit changes of form as needed through the years to come without sacrificing its substantial guarantees. But the economic challenge of today, which in rejecting dualism, either for monism or its counterpart, pluralism, places matter and form on the same level of thought, completely wipes out fundamental law and all law while substituting mere regulatory decrees in its place.<sup>23</sup>

So the basic philosophy of the Constitution is essential to its proper interpretation and implementation. Its relation to the natural law is one of these essentials.

#### THE CONSTITUTION AND NATURAL LAW

While under the Articles of Confederation, the thirteen states were virtually engaged in cold wars threatening the advent of interstate anarchy. The need of a law higher than that of any one state was obvious then as well as in the world situation after World War II. Parallel situations in European history had resulted in the recognition of such a law, denominated natural law, which according to Saint Thomas Aquinas is that part of divine law made known to man through the light of reason. Law, as such, he averred, is an ordinance of reason for the common good. While all the American Founding Fathers may not have envisioned natural law in just this sense, many of them did have a concept approaching it.<sup>24</sup>

The idea of natural law, natural rights, or natural justice had been essential to the colonists and to their overseas predecessors,

<sup>23</sup> M. T. Rooney, "The Constitution of the United States" in *The Official Publication of the Intercollegiate Federation of Catholic Alumni*, Vol. 22, No. 3 (New York, 1939).

<sup>24</sup> See James J. Walsh, *The Education of the Founding Fathers* (New York, 1935); William F. Obering, *Philosophy of Law of James Wilson*, (Washington: Catholic Philosophical Association, 1938); and Clarence Manion, *The Founding Fathers and Natural Law* (Pamphlet) (South Bend: Notre Dame University Press, 1948).

who needed a higher authority for guidance to their freedom of conscience and religion. Social rights were indicated in both the Bible and in Aristotle. The Bible said that it was not good for man to be alone. Aristotle said that man is a social being. Inferentially, both authorities advised that man achieves his greatest potential in community life. Consequently, man should maintain the community in such a way that the individual may, through it, achieve his best potential and oppose the contrary. Hence, the natural right of revolution. By logical processes, natural law became the foundation of the bills of rights in both the federal and the state constitutions.<sup>25</sup>

In their reflections on natural law, the Founding Fathers were not confined to the simplified alleged line of transmission of natural law from Saint Thomas Aquinas to Richard Hooker to John Locke to Thomas Jefferson that some political theorists have been so fond of narrating.

Students of political theory may recall that ideas of natural rights in the works of Aristotle and other ancients, of Saint Thomas Aquinas and other medievalists had become current in eighteenth-century thinking. Aristotle's cryptic line in his *Rhetoric*, that "Natural justice is law because it is right; conventional justice is right because it is law," was actively pursued. Zeno and some of the Stoics later perceived that law and justice emanated from man's reason rather than from social compacts; and they elaborated the doctrine of equality. This was much the same idea expressed later by John Dickinson. Cicero in his *Republic* and in his *Laws* traces the origin of the state to natural law and justice, which man-made (or positive) laws should not contradict. During the Middle Ages, materials for the study of law included treatises of Roman lawyers expounding ideas of natural law, of natural reason, and of the people as the ultimate source of political authority. There was Saint Augustine's assertion that a law made by a ruler was not to be obeyed if it was contrary to divine and natural law. So with Saint Thomas Aquinas. What a suggestion in natural law for revolution or at least passive resistance! Saint Thomas Aquinas in the thirteenth century, with his comprehensive original thinking on natural law, accepted some of the

<sup>25</sup> For a general, thorough examination of natural law and its relation to positive law, see R. F. Begin, *Natural Law and Positive Law* (Washington, D. C.: Catholic University of America Press, 1957).



doctrines of natural law and natural rights as propounded by the Roman lawyers. Sir John Fortescue of the fifteenth century essayed a state of nature wherein natural law and perfect justice dictated by God prevailed. Philip Melancthon in the sixteenth century treated of human instincts concerning right and wrong as a foundation for natural law—or as a means of finding it along with Saint Thomas' reason and revelation. William Penn of the seventeenth century, writing of *The People's Ancient and Just Liberties Asserted* (1693), treated of fundamental laws of nature that were eternal, unchangeable, and impervious to human alteration. For the colonists and the Founding Fathers, right reason was a directive as were the works of Grotius, Vattel, Pufendorf, and Burlamaqui. Blackstone, in his *Commentaries* (1765), recognized natural law even if he would not declare that a king's order in conflict therewith was void—as would indeed Lord Coke, Saint Thomas, and Saint Augustine.

In colonial New England, James Otis considered that God made the law of nature and urged that lawyers keep available a volume on natural law. He held that God Almighty "has given to all men a right to be free." Samuel Adams proposed that the right to life, liberty, and property was of the first law of nature, being a right of self-preservation, and he noted that "The rights of nature are happily interwoven in the British Constitution. It is its glory that it is copied from Nature." John Adams, his more conservative kinsman, considered that principles of the Revolution stood on sources that included eternal reason and nature. He said that rights are from "the Great Legislator of the Universe." John Wise, widely read, referred in 1772 to "the dictates of right reason," and "the law and light of nature," to "the moving suggestions of humanity," and "the just demands of natural liberty, equity, equality and principles of self-preservation." By now, it seemed that man could know natural law, or at least some characteristics of it, through reason, revelation, nature, instinct, and the suggestions of humanity.

Outside of New England, Alexander Hamilton, educated in New Jersey, while considering the "sacred rights of mankind," said: "They are written as with a sunbeam in the whole volume of human nature, by the hand of Divinity itself and can never be erased or obscured by mortal power." Particularly significant was his argument that natural rights are traceable to many sources in-



cluding religion and the common law of England. That the common law of England should be regarded by Hamilton as a source of natural rights was of momentous import, and twentieth-century scholarship would sustain him. As Dr. M. T. Rooney, dean of Seton Hall Law School, says: "During the first five hundred years of the existence of the Common Law as an autonomous legal system, it was formulated, nurtured, and developed by men who were not only jurists of eminence but also thinkers trained in Scholastic principles." Many jurists during the formative years of the common law "brought to their professional duties a belief in the value of the human soul much more significant for the Common Law than the adaptation of Roman and Canonical procedures usually credited to them as their chief contribution."<sup>26</sup> She adds: "The Constitution of the United States as the fundamental law of the land, is the crystallization of many of the Scholastic principles implicit in the whole Common Law system."<sup>27</sup>

Likewise, Rev. Robert J. Gannon, S.J., addressed lawyers in Brooklyn in 1958:

The supremacy of law over the ruler, was handed down to us through the English Common Law which derived from custom and tradition rather than from formal codes. It recognized the existence of a higher law that was in its broadest outline knowable through reason, knowable because it could be deduced from the nature of man. . . . Our Founding Fathers not only preserved for us the English Common Law and the parliamentary tradition but also carried over from the Middle Ages the Augustinian concept that all men are equal under God as persons; as individuals, that is, with spiritual powers; as adopted sons of God and heirs of the Kingdom of Heaven.<sup>28</sup>

The source of natural law was sensed also by John Dickinson of Pennsylvania when he recalled that "our liberties do not come from charters; for these are only the declaration of pre-existing rights. They do not depend on parchments or seals; but come from the King of Kings and Lord of all the Earth." Likewise, George Mason in Virginia argued that "the laws of nature are the laws of God, where authority can be superseded by no power on earth."

So from Massachusetts to Virginia, natural law of a kind was

<sup>26</sup> "The Constitution . . ." p. 8. See also her *Lawlessness, Law, and Sanction* (Washington, D.C.: Catholic University of America Press, 1937).

<sup>27</sup> "The Constitution . . ." p. 10.

<sup>28</sup> *The Tablet* (Brooklyn, N. Y.: September 20, 1958), p. 9.

acknowledged in the formative years of the American Constitution. A towering power in the juristic thinking of this period was James Wilson of Pennsylvania. Proceeding beyond Blackstone's limited view, in his law lectures in Philadelphia he said that "Parliament may unquestionably be controlled by natural or revealed law, proceeding from divine authority." For the growing American nation, with its expanding frontiers in geography, education, and scientific invention, James Wilson proclaimed a concept of natural law particularly adaptable in that it was progressively applicable to evolving higher standards of living and of morality—even as they portended to global situations. A century later, Professor John W. Burgess of Columbia University in his famous work on *Political Science and Comparative Constitutional Law* (1890) remarked "that the Creator of man implanted the substance of the state in the nature of man"; and President Theodore Roosevelt in 1906 acknowledged James Wilson's political theories as his personal guide to political action. Natural law had been adjusted to expanding national situations.

#### THE CONTRACT THEORY OF GOVERNMENT

Since the natural law assured men of God-given rights, it was quite natural that they should covenant with one another for the mutual protection of these sacred rights. Collectively they might create a governing authority and then contract among themselves and with that governing authority, with considerations of obedience on the part of the governed, and of justice on the part of the governors. American colonials had access to such philosophy. In some minds it was thought that in previous ages men had been in a state of nature or of anarchy, subject only to the law of nature in the sense of the law of the jungle—the law of claw and fang. Eventually there was devised an agreement or social compact through which the weak might be protected from the strong, so that, metaphorically speaking, little fish would not be consumed by bigger fish and the lion might recline with the lamb in safety. Even the exalted Mayflower Compact of 1620 evolved from factional situations among the sea-tossed during the long voyage that could have pressed them toward reversions to the primordial; nearly every one of forty previous voyages to New England had ended in failure.

Such a compact idea had a kind of antecedent in the Old Testament account of the covenant between God and His chosen people, who, after deviation from the obligations of the covenant, became the object of severe warnings from the prophets. The compact theory as a source of law was treated by Plato in both his *Republic* and his *Protagoras*. Likewise by the Epicureans. A theory of a pact between society and kings was expressed by Saint Augustine. Richard Hooker's *Ecclesiastical Polity* (c. 1594) influenced American thought on the formation of government through mutual consent or through contract to which both the governor and the governed were subject parties. Pufendorf indicated two separate contracts. The *Vindiciae contra tyrannos* of the sixteenth century considered a three-party contract between God, the king, and the people, the last two parties agreeing to rule and obey, while both agreed with God to sustain his elect. If the king should violate this agreement he could be resisted. In modified form, the contract theory was held by John Milton, Thomas Hobbes, and Jean Jacques Rousseau, which fact gave it dominance in political thought for approximately two centuries. During the American Revolution in 1780, Jonathan Mason, Jr., indicated that America was in the "original state of nature." In the same year the people of Massachusetts formed their constitution, which has endured nearly two hundred years and stipulates that "The body politic is formed by a voluntary association of individuals; it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people that all shall be governed by certain laws for the common good."

During the following year, Thomas Dawes, Jr., declared that "the people of Massachusetts have reduced to practice the wonderful theory" of the compact. Its roots had run deep in previous history and philosophy. From it, the agitators for the Revolution in 1775-1783 could argue justification of the Revolution because the king had violated his obligations in the contract and they were being subjected to governmental decrees without their consent. The theory persisted into the period of the federal Constitution despite the trend away from it after the utilitarian denial of it by David Hume (1711-1776). Thereafter, some states in their constitutional bills of rights asserted the compact theory. The Kentucky Constitution of 1790 declared that "All men, when they form a social compact are equal."

## THE THEORY OF FEDERAL SOVEREIGNTY

For the 170 years since 1789, the nature and location of federal sovereignty have been of such importance as to engage the superlative thinking of superlative minds. Upon its nature and location depended the national government's authority to participate in world affairs, which by 1959 extended to Outer Space. Upon it also depended the remaining authority for the functions that might be conducted by the state governments and the manner in which they might be conducted—in education, for instance, with such problems as the desegregation of racial groups in the 1950's. The federal Constitution recognizes some powers residing in the national government and the remaining powers residing in the state governments. Together, they comprise the federal powers emanating from the total federal sovereignty. Those powers granted to the national government are enumerated with an elastic clause providing that the national congress may exercise whatever other powers may be "necessary and proper" for carrying out the enumerated. How shall "necessary" and "proper" be defined, interpreted, and construed? Does the power to tax for the common defense and general welfare allow the national government to do anything that it might consider conducive to the general welfare? If so, could the national government absorb all the functions of the state governments in the presumed interest of the general welfare? And all private industry? What are the limits, if any, to a potential Hobbesian Leviathan? Powers not so enumerated for the national government or prohibited to the states are reserved to "the states" or to "the people." What people? Those of each state or those of the United States collectively? Such perennial problems arise from two provisions in the federal Constitution: The first is Article X, the "Tenth Amendment," which declares that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people." The second is Article I, Section 8, which authorizes the Congress "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

These two pronouncements resulted in two schools of inter-



pretation culminating in two political parties that precipitated the Civil War, which in turn did not settle all of the potential controversies resulting from those pronouncements, as witness the problems of civil rights in the 1950's. One school was that of the "Broad" or loose interpretation and construction of the Constitution, which looked to a powerful "central" or "national" government. The other was that of the "Strict" or narrow interpretation or construction, which desired a limited participation in affairs on the part of the central or national government and more consequent liberty for the states to carry out their affairs as they desired—the states-rights view. Thus were shaped the two national political parties: the Federalist Party of broad national power, and the Anti-Federalist Party of state sovereignty that later became the Republican-Democratic Party and finally the Democratic Party prior to the "New Deal" Democratic Party of 1932.

Despite the tragedy of such differences of interpretation, the generality or vagueness of these constitutional provisions had some measure of redeeming value in that they were elastic enough to be adjusted to problems of the nuclear age, which could not have been dreamed of when they were written.

The preamble to the federal Constitution makes the parties to the instrument "We, the People" rather than "We, the States." Hence, the question of who consented to the agreement: the people of the states separately or of the United States collectively? And whose might be the right of revolution in the event of one party's breach of agreement? Where resided sovereignty? The Constitution did not mention that word. Patrick Henry of Virginia, who had been such a radical agitator for the Revolution, desired states rights and was antagonistic to the Constitution. Samuel Adams, of Massachusetts, the "Father of the Revolution," opposed the Constitution at first and in 1788 wrote "I meet with a National Government instead of a Federal Union of Sovereign States."

Had the colonies separated from one big government to be subjected to a newly created Leviathan? Their fears for the freedom of their respective states were somewhat like those held by some American statesmen for the United States in 1919 with regard to the erstwhile League of Nations and in 1945 to the United Nations. Would American sovereignty be subordinated to a superstate?

As with the nature of natural law and of the social compact,



history afforded rich resources of tested thought. Aristotle had indicated that the whole people or the electorate constituted the residuum of ultimate power. So had the Roman lawyers Ulpian, Florentinus, and Gaius. Cicero had suggested that the state is best when some control of it is shared by every citizen. Marsilius of Padua in his *Defensor pacis* theorized on the sovereignty of the people and the right to rule by the majority of them. But Saint Thomas Aquinas previously had warned that the majority could be wrong. William of Ockham had a clear conception of popular power. Francisco Suárez (1548-1617) recognized popular sovereignty that might be delegated to a monarch. Juan de Mariana (1536-1623) and Johannes Althusius (1557-1638) visualized political authority in popular support. John Milton (1608-1674) held that political power basically is in the people and that liberty is for all of the people. James Wilson of Pennsylvania envisioned sovereignty as residing in the people rather than in an assemblage of states. Accordingly, he favored the popular election of all legislators and of the president—a view actualized in part a century later in the seventeenth amendment of 1913 and supported in the proposed Lodge Amendment of the 1950's.

In 1798, the enactment by congress of the Alien and Sedition Laws served to activate the theory of state sovereignty. In opposition to these acts, the Virginia and Kentucky Resolutions were drafted by Madison and Jefferson respectively in 1798-1799 relative to sovereign powers—each author subsequently becoming president of the United States. Both resolutions stressed the states as parties to the Constitution. The Virginia Resolution, drafted by Madison, who was educated in New Jersey at Princeton, after referring to the grants enumerated in the federal Constitution declared that “in case of a deliberate, palpable, and dangerous exercise of other powers not granted by said compact, the States, who are parties thereto, have the right and are in duty bound to interpose for arresting the progress of the evil.” Just how the states might *interpose* was left to conjecture. The Kentucky Resolution, referring to the Constitution, declared that “to this compact each State acceded as a State, and is an integral party, its co-States forming, as to itself, the other party” and that “when-ever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force.” Virtually, this would mean nullification. But who might determine whether or not the

general government assumed undelegated powers? The Kentucky Resolution stipulated that

the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the Constitution, the measure of its powers; but that as in all other cases of compact among parties having no common Judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

The tariff of 1828 (dubbed the "Tariff of Abominations"), offensive to the Southern States, resulted in further vitalization of the states sovereignty or states-rights doctrine. John C. Calhoun of South Carolina, educated in Connecticut at Yale, wrote "*The South Carolina Exposition*" based partly on the Virginia and Kentucky Resolutions. In his *Disquisition on Government* he attacked the idea of a sovereignty divided between the national and state government: "Sovereignty is an entire thing; to divide it is to destroy it. It is the supreme power in the state and we might just as well speak of half a square or half a triangle as half a sovereignty." The national government was empowered to exercise some powers delegated to it by the sovereign states. Calhoun advanced his theories to the doctrine of nullification, wherein he insisted that the states might consider null and void any act contrary to the Constitution, and he claimed the right of any one single state to secede from the union by virtue of the separate individual state sovereignty. This stressed state sovereignty more than did the Virginia Resolution, which implied interposition, rather than secession, by "the States" rather than by a single state.

By 1830 a congressional resolution—the Foote Resolution—proposing to limit the sale of lands of the public domain in the western states again dramatized the question of sovereignty—whether state or divided—in the famous senatorial debate between Daniel Webster of Massachusetts and Robert Y. Hayne of South Carolina. Hayne resorted to the Calhoun *Exposition*, claiming that the Constitution was adopted by the people of the separate states rather than by the people of the nation collectively. Webster, in reply, argued that the Constitution was a creature of the people of the United States.

The extension of slavery into the federal territories of the West

brought Lewis Cass's proposal (1847) that the people residing in these territories decide whether or not they would have slavery. This would constitute a sort of local sovereignty on national soil. Supported by Stephen A. Douglas, a native of Vermont, this theory became propagandized as "popular sovereignty" and was derisively called "squatter sovereignty." By the Kansas-Nebraska Act of 1854 each separate area might have decided the local slavery question for itself, but in 1857 the United States Supreme Court decided, in the Dred Scott Case,<sup>29</sup> that the federal territories were open to slavery—thus ending the application of the doctrine of territorial popular sovereignty. During the following year, the Lincoln-Douglas debates showed to the Southern States the importance of secession if they would retain slavery from destruction through federal power. On July 4, 1861, Lincoln, a native of Kentucky, now the War President, addressed a message to the Congress in which he defined sovereignty as "a political community without a political superior" and declared that "Tested by this, no one of our states except Texas ever was a sovereignty. . . . Originally some dependent colonies made the Union, and in turn the Union threw off their old dependence for them, and made them states, such as they are. Not one of them ever had a state constitution independent of the Union." Here apparently Lincoln was not alluding to colonial charters like those of Connecticut and Rhode Island, which were continued in operation as state constitutions after the Revolution.

While slavery was a challenge to the theories of sovereignty, it had been attacked on other grounds. William Rawle, an associate of George Washington, argued against it on constitutional principles as John Woolman had opposed it from the viewpoint of Christianity. General Joseph Bloomfield of New Jersey in his *Dissertation on Slavery* in 1796 proposed its gradual abolition, and in 1804 as governor he signed a gradual emancipation act when slaves constituted about six per cent of the total New Jersey population. By 1860, there were just eighteen slaves in the state. His influence was extensive in space and in time, his *Dissertation* being reprinted in Philadelphia as late as 1861. In the South also gradual emancipation was taking place as plantation ledgers showed slavery's economic inexpediency after the invention of the cotton gin and the advent of an industrial age.

<sup>29</sup> 19 Howard, 393.

After the Civil War, the two constitutional provisions quoted above continued to be storm centers of legal and political theory on a wide variety of proposed governmental activities. Questions as to whether certain functions should be performed at all by any level of government or should be left to private enterprise on the principles of Adam Smith's *Wealth of Nations* were seemingly perennial. Functions that are classified as legitimately governmental in nature stimulate theories as to whether they should be performed by the national government or by the state governments or by a coordination of both levels of government into a veritable federalized effort.

Within the Constitution itself, or implied therein, are other principles of importance similar to the basic theories of natural law, social contract, and sovereignty, each predicated upon deep-rooted historical antecedents. These include such principles as equality before the law, civil liberty, ownership of property: in short, the Bill of Rights. Other implicit theories relate to institutional status such as judicial supremacy, the law of nations, and the police power of states. Throughout American history, also, there has been a multiplicity of issues or ideas derived from situations needing solution. Some such ideas became established principles. Others proved to be ephemeral. Others still are in the issue stage—e.g., isolationism, expansion, imperialism, etc. A definitive elaboration of each would be disproportionate to this essay. Suffice it to note that pursuant to the brief Constitution of the United States there have been enacted more than a hundred heavy tomes of Congressional Acts. Pursuant to thousands of such Acts, there have been issued many volumes of executive orders of the president and many thousands of orders and regulations of administrative agencies—all expressive of American political theory or derivative of it. So with the legislatures and administrative functionaries of each of the fifty states and of hundreds of municipalities throughout those states.

#### MINOR POLITICAL PARTIES

Many of the political ideas that became a permanent part of the American political and governmental system were propagandized by minor political parties or by civic associations and, after winning public support, were adopted by the major political



powers and put into operation. Platforms of all of the American political parties from 1840 to 1956 inclusive are reprinted in full in Kirk H. Porter and D. B. Johnson's compilation of *National Party Platforms, 1840-1956*.<sup>30</sup> In them may be found virtually all the major and minor issues that have been before the electorate during that 116-year period.

An early product of this procession from the pioneer to the engineer is that of the presidential nominating convention as inaugurated in 1832 by the Anti-Mason Party, the convention becoming a spectacular American institution in the television age. Slave emancipation was a dynamic motivation of the Abolition, the Liberty, and the Free-Soil parties, preliminary to becoming a dedication of the Republican Party upon its formation in 1856. The policy of national peace was a fundamental of the Constitutional Union Party of 1860—nearly a century before the nuclear age. Justice to the American Indian was advocated by the American Party in 1872—a half century before group citizenship was granted in 1924. Amicable relations with Latin America with strong naval and coast-defense measures were essentials of the American Party of 1884—likewise a half century before the formally established Good Neighbor Policy and Hemispheric Solidarity.

The Sherman Antitrust Act of 1890 and the Federal Trade Commission Act of 1914 were anticipated by the agitators of the Anti-Monopoly Party of 1884. Propaganda for an interstate commerce law, for sanitation in factories, and for shorter hours of labor conducted by the Greenback Party in 1876-1884 moved toward the creation of the Interstate Commerce Commission in 1887, the Adamson Eight-Hour Act of 1916, and the Fair Labor Standards Act of 1938. The Initiative and Referendum plans for popular legislation as eventually adopted in eighteen states and the Direct Primary Nominating System as established in forty-seven states were promoted along with many other policies by the Populist Party of 1891-1908. Some of the New Deal and Fair Deal policies of the Democratic Party of 1932-1952 had been advanced previously by the Socialist Party and variants of it, by the Farmer-Labor Party, and by the Progressive Party which in 1924 co-operated with the Socialist Party. Free educational provisions for

<sup>30</sup> Published in Urbana, Ill., by the University of Illinois Press. Professor Porter's first compilation appeared in 1924.



all sects and classes were a cardinal element of the American or "Know-Nothing" Party a century before President Eisenhower's proposal in 1959 for Federal Aid for public schools.

Principles of the four amendments to the federal Constitution to be adopted after the ratification of the fifteenth amendment—namely, those providing for a federal income tax, the direct election of senators, national prohibition of alcoholic beverages, and for woman suffrage—all were planks in platforms of the Prohibition Party prior to their acceptance by any other political party. Likewise that party, organized in 1869, was the first to demand federal civil service reform, child labor laws, employer's liability acts, unemployment insurance and old age pensions, uniform marriage and divorce laws, postal savings banks, the Tariff Commission, and international arbitration. By 1921 it had adopted fourteen principles of the League of Women Voters' program. One of its political theories, to which it still adhered as late as 1959 but which is not necessarily reduced to a tangible platform plank nor solidified as an institution, is now probably acceptable to all other political parties, to all political scientists, and to all experienced statesmen. That is its pronouncement made with especial emphasis during the decade 1908-1918, when a majority of the states had enacted legislation prohibiting the manufacture for sale of alcoholic liquors for beverage purposes and when the eighteenth amendment to the federal Constitution for national prohibition was imminent. This pronouncement insisted that about 99 per cent of successful governmental objective is achieved by administration and interpretation and one per cent by legislation.<sup>31</sup> Political objectives are to be attained by first placing in political power persons loyal to such objectives and then providing them with the necessary legislation. Prohibition could end in disaster unless it were entrusted to authorities who personally desired it. Legislators who voted for it to appease their constituents and then violated it to appease their thirst could not be trusted to provide

<sup>31</sup> Such were the reported contentions of the presidential nominee of the party in 1912; and in *The American Prohibition Year Book*, 1916, it was stated on the flyleaf that "One thing stands out clearly; the burden of our fight hereafter must not be to obtain first the prohibitory law, whether by city, county or state, but first of all to elect to power a Prohibition Administration. A Prohibition Government must go in advance of a Prohibitory Law. We must reverse our former policy."

for honest administration of their own legislation. That their political theory proved to be a truism is indicated by the fact that the eighteenth amendment passed the House of Representatives, whose members were elected in 1916 by a vote of 282 to 128, or 2 to 1; passed the Senate by a vote of 65 to 20, or 3 to 1; was ratified by the legislatures of 46 states, in which the combined vote for ratification of all of the lower houses of the state legislatures was 3775 to 1025, or 3 to 1; the combined vote for ratification of all of the state senates was 1309 to 240, or 5 to 1. The legislatures of six of these states voted for ratification unanimously.<sup>32</sup> Yet within fourteen years the eighteenth amendment was repealed by the conventions in 36 states, largely on the argument that it had failed of administration. Thus overwhelming legislation, being only one per cent of the political objective, proved inadequate without the administrative implementation of that legislation.

Since the Great Depression of 1929, World War II, and the advent of stratospheric exploration, federal administration has expanded to such dimensions that some publicists consider it a fourth branch of government, equal in rank to the executive department. Administrative law has become an extensive discipline due to congressional legislation's delegating so many functions to administrative agencies and directing them to act within standards set up by the Congressional Acts, accompanied by administrative discretion. To maintain protection of individual freedom from possible arbitrary administrative action, there has developed a wider significance of the venerated principles of the Due Process of Law, and the Separation of Powers<sup>33</sup>—original cardinal principles of American political theory.

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<sup>32</sup> D. Leigh Colvin, *Prohibition in the United States* (1926), pp. 448, 449.

<sup>33</sup> See K. C. Davis, *Treatise on Administrative Law*, 4 vols. (1958).

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## Appendix

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### CATHOLIC PRINCIPLES OF POLITICS

*The following extracts are reprinted by permission from A Code of Social Principles, 3rd edition, Oxford: Catholic Social Guild, 1952. Prepared by the International Union of Social Studies or Mechlin Union, an association of prominent Catholic theologians, sociologists, political scientists, and statesmen from more than a dozen countries, the Code does not necessarily always voice the official teaching of the Church. Some of the statements are open to further debate; others, rather than offer a solution, merely indicate a general trend or direction. But, on the whole, the Code reflects mature Catholic thinking and provides, in the form of a simple and brief outline, a reliable primer on the fundamentals of government and on the most important social and political questions of the day.*

\* \* \*

### CONSTITUENT ELEMENTS OF THE STATE

51. The State is made up of three elements: a community, a territory, and an authority.

52. As a community, the State is differentiated from other human groupings in the temporal order by its extent, and by its higher aim. It comprises, and, within certain limits, it governs

families, townships, and a diversity of institutions arising, for instance, from the following of a like calling, from the need for mutual help, or from the pursuit in common of some science or art.

53. The State is sovereign within its territory, in the sense that it has plenary authority to maintain within its frontiers order, peace, and justice. With other States it has relations of interdependence which require regulation by supra-national juridical bodies.

54. The function of the authority of the State is to direct the common good of the members which compose it.

#### THE NATURAL FOUNDATION OF AUTHORITY

55. God has made man social in his nature. Leo XIII wrote in his encyclical, *The Christian Constitution of States*: "Man cannot, if living apart from his fellows, provide himself with what is necessary and useful for life, nor procure the means of developing his mental and moral faculties."<sup>1</sup> The family in isolation does not afford surroundings that will assure the full development of our being, or even our existence. Civil or political society is therefore natural.

But no society can subsist without an authority which, as Leo XIII says elsewhere, "directs all to strive earnestly for the common good." Authority, as well as society, thus proceeds from nature, and consequently from God Himself.

An immediate consequence of this principle is that resistance to authority is resistance to the order established by God. "He that resisteth the power, resisteth the ordinance of God." (Rom. 13: 2.)

Another consequence concerns the authority itself: he who bears it is appointed by God to serve the people. Public service is the sole reason for his power, and defines its limits.

56. Though authority comes from God, it does not take the form of a gift to this individual or to that family. God does not point out the one who is to hold power. He has only done so exceptionally, in the history of the Jews, on account of the special calling of that people.

57. Nor does God determine the title of the supreme authority,

<sup>1</sup> Leo XIII, *The Christian Constitution of States* (1885).

nor the forms of the constitution. These contingent matters come from human activities, as, for instance, a long tradition, or a written constitution.

Since the legitimacy of power is not bound up by Providence with any one form of government, there cannot be a monarchy of divine right, any more than an aristocracy or a democracy of divine right.

The Catholic Church, in her official relations with States, is unconcerned as to the forms that differentiate them, so that she may deal more freely with them in the religious interests of their peoples.

Thus she recognizes, equally with any other, the democratic form of government, that is to say, the greater or less participation of the people in the government.

As State activity in modern times has widened considerably and decisively increased its influence, and in view of the sacrifices which the State of today exacts from its citizens, a democratic form of government, which allows the citizen to control State administration, seems to many a natural postulate of reason itself. A healthy democracy should allow the citizen to hold his personal opinion, to express it, to assert it in conformity with the claims of the common good. Like any other form of government, the democratic State, whether monarchical or republican, must be invested with the power to command with real and effective authority.<sup>2</sup>

The citizen has no right to live in indifference and to neglect to use the greater or less share in government that has been accorded to him in many States. He has the duty of exercising conscientiously the political functions assigned to him.

58. In the speculative order, therefore, Catholics, like other citizens, have full liberty to prefer one form of government to another, precisely in virtue of the fact that none of these special forms is in itself contrary to the rule of right reason, or to the maxims of Christian doctrine.

But, since in such matters we have inevitably to deal with practical realities, each one ought to accept the established government, and to attempt none other than legal means to overturn it, or change its form. To acknowledge that individuals have the liberty to oppose by violence, either the form of government

<sup>2</sup> Cf. Pius XII, *Democracy and Peace* (1944).

or the persons at its head, would be tantamount to setting up a permanent condition of disorder and revolt in the body politic. Only an insupportable tyranny, or flagrant violation of the most obvious essential rights of citizens, can give, after every other means of redress has failed, the right to revolt or to passive resistance.

However, citizens have the right to control and criticize the powers that be.

To bring pressure to bear on the government and, if needs be, to replace it, they may use every means which the constitution or the law allows.

59. State authority is not unlimited. Its limits are determined by its origin (natural and positive rights) and by its object (the common good in the temporal order).

Material force is doubtless such an indispensable means to authority, that, if deprived of it, a government would be incapable of functioning. But the use of force is subordinate to the end of society, which is itself derived from reason.

Law is thus an ordinance of reason for the common good, enacted by him who has legitimate authority. From the point where it ceases to be an ordinance of reason, it loses its proper nature and is no longer binding. The presumption is in favor of law promulgated by lawful authority being in conformity with reason.

Prudence and fear of a greater evil to society may prompt individuals to obey a law which is not binding in conscience. But should such a law formally prescribe acts or omissions contrary, either to the natural law, or to the positive divine law, then each one ought to obey God rather than men.

60. State Absolutism, pretending as it does that State authority is unlimited and independent of all higher law, is a political corruption which, in spite of empty appearances, may be found in any political body.

Such an absolutist régime strikes at the rights of the human person and of the family; it shakes the foundations of international order and, moreover, it weakens the State itself in basing it on a purely human foundation.<sup>3</sup>

61. The State is perpetual by its nature. As a result the treaties it makes, and the financial and other obligations it enters into, in

<sup>3</sup> Cf. Pius XII, *Darkness Over the Earth* (1939), and *Democracy and Peace* (1944).

the name of the community it governs, are binding, regardless of changes which may be made in the personnel which embody it or in the political forms that clothe it.

62. The State possesses moral personality. It is indeed composed of substantially distinct individuals, but these form a body unified by the convergence of their rational activities toward the end for which they are constituted a body politic.

Hence the State has and can have only human rights and duties, though on a larger and wider scale. It is therefore subject to the same moral law and the same rule of justice as individuals. In the sphere of its relations with similar bodies, that is with other States, it cannot escape the obligation to respect that law and that rule.

It is indispensable for the attainment of the social end that the State should be legally subject to laws in the same way as individuals, though in a more extended sphere and with suitable modifications.

This personality does not derive from positive law, but from nature itself.

#### THE PURPOSE OF AUTHORITY IN THE STATE

63. Authority being the director of the common good, must in the first place protect and guarantee the rights of the individuals and groups which it embraces. For the violation of these rights has a profound and evil reaction on the common good of which the State is guardian, while, on the contrary, respect for the rights of everyone helps to increase the well-being of all. There must, therefore, be a power able to prevent abuses, to restrain the unruly and to punish offenders.

64. The authority of the State should also set itself to encourage the growth of material, intellectual and moral good in the whole body of the members of the community.

65. It does not follow from this that the State ought to make provision for everything in every branch of human activity. It has no totalitarian power. It is even more dangerous for the State to usurp the functions of private persons and private groups than it is to leave them without any control. It is essential to the well-being of the community that an equilibrium should exist between social forces, so that each element of social life, including the



State, should be obliged to allow a reasonable liberty to the others. Already for this reason alone the powers of the State ought to be limited.

Firstly, it is not concerned with leading men to eternal happiness. This is the concern of the Church, which the State can and should help, without replacing her.

Again, in the temporal order, the State, in its capacity as guardian of the common good, encounters private initiative, both individual and collective, and this also has a certain power of attaining good, either shared by many, or even common to the whole social body.

When private initiative is effective, the State should do nothing that may embarrass or stifle the spontaneous action of individuals or of groups. But when it is inadequate, the State should stimulate, aid and co-ordinate it, and if necessary, supplement and complete it.<sup>4</sup>

This method of providing for the common good of temporal societies is only an imitation of God's action in the general government of the world. He enlists every force, including those of man's free actions, to concur in the designs of His saving will.

In the same manner the State will bring the central power to co-operate with all national activities, according to a general plan whose main outlines it ought to fix, and which it will leave as far as possible to be carried out by individuals.

#### THE FREE ACTIVITY OF THE GOVERNED

66. The human person has rights antecedent to and above all positive law.

These rights, whether individual or collective, derive from human nature which is rational and free.

67. The law must protect personal liberty, not only against external attack, but also against the misuse of liberty itself.

For every use of liberty is liable to degenerate into license. It is the duty therefore of the law to define the limits and to control the exercise of rights.

68. Modern constitutions are particularly inclined to stress and proclaim the corollaries both of personal liberty and of equality of

<sup>4</sup> Cf. Pius XI, *The Social Order*, §§ 78-80.

nature common to all men. They have often done so under the influence of philosophical systems which exaggerate the autonomy of the human person.

69. In enunciating and regulating by law the corollaries of personal liberty, the legislator must never lose sight of the fact that human liberty is liable to go wrong, and that, in consequence, it is important not to confuse the use and the abuse of the faculties which it implies.

For this reason the use of the right of ownership, of the right of publishing one's views in the press or by teaching, of the right of assembly and association with one's fellows, is, in principle, only lawful within the limits of well-being.

It is the business of authority to define the frontiers beyond which the use of a supposed right becomes license. It is only in order to avoid a greater evil, to obtain or preserve a greater good, that public authority may "use tolerance in regard to certain things contrary to truth and justice."<sup>5</sup>

In a society which is divided on the subject of religious beliefs and philosophical opinions, the Church, full of care for the rights of truth, but respectful of the liberty of consciences which cannot be won to the faith by pressure from outside, proclaims respect for personal opinions which comply with the needs of the social order, and claims for herself liberty to devote herself to her divine mission.

Neutrality of the State must not be confused with Secularism. This comes from the denial of God's rights in public life, whereas neutrality only implies that the State does not favor one belief more than another in its administration.

70. In enunciating and legally settling the corollaries of equality in nature, such as equality before the law, before justice, in taxation, and in public administration, the legislator must take into account, not only equality in nature, but also accidental inequalities, which may make individuals more or less fitted to exercise this or that faculty.

For instance, under pretext of equality, he should not allow all and sundry, learned or ignorant, to practice medicine.

<sup>5</sup> Leo XIII, *Human Liberty* (1888).

## NATIONALIZATION OF INDUSTRIES

111. By nationalization is meant that an undertaking belongs to the Community, represented by public authority. It is limited to ownership or extended to management and profits.

112. Christian ethics do not condemn, in principle, nationalization or socialization. Indeed, "It is rightly contended that certain forms of property must be reserved to the State, since they carry with them a power too great to be left to private individuals without injury to the community at large."<sup>6</sup> Nationalization could therefore be admitted when it seems really demanded by the common good, for example to withdraw from private enterprise undertakings of capital importance for the defense of the country, to safeguard political authority against financial forces, or when nationalization is clearly beyond doubt the only efficient means for remedying abuses and for ensuring that public interests prevail.

113. Where it is a question of undertakings already worked by private persons, their taking over is subject to a suitable compensation, calculated according to what the concrete circumstances suggest as just and fair for all concerned.

114. Nationalization, taken in its widest sense and applied to all or even the majority of industries, ends by force of circumstances in Collectivism, condemned by the encyclicals *Rerum Novarum* (*The Workers' Charter*) and *Quadragesimo Anno* (*The Social Order*), or in State Capitalism.

115. Nationalization, if applied generally, still runs the risk of arriving at the same result, even when limited to mere ownership or management.

116. Not even a system of more or less self-governing public undertakings would seem to be acceptable, if it includes the majority of enterprises.

Private initiative, of individuals or of groups, may only be limited to the extent that the common good manifestly requires. It is very needful to preserve the two great stimulants to production, which are the prospect of acquiring property and lawful competition.

Besides, nationalization holds other risks, especially the exag-

<sup>6</sup> Pius XI, *The Social Order* (1931), § 114.

gerated extension of economic power in the hands of the public authorities and the subjection of workers to these authorities. Nationalized industry is far from resolving the fundamental problem of relations between capital and labor.

117. Considerations of public interest may, in particular cases, demand or suggest public management, either national, provincial, or municipal. In that case, the setting up of autonomous bodies, carrying on industrially under the control of public authorities and for the benefit of the community, can be recommended in preference to wholly official administration.

118. It is understood that the right of supervision by the State is to be exercisable when private organizations are entrusted with the maintenance of public services, and whenever the public interest calls for it.

119. In undertakings which are subject to concessions placed with private organizations, it is desirable that the agreements shall contain clauses securing liberty of contract and fair wages.

120. In the case of war, famine, or serious and manifest abuses, the State has not only the right, but the duty, to set up a special organization for checking monopoly and usurious speculation in necessary articles of consumption.

Such a system should be limited to the minimum compatible with the end in view, and suppressed as soon as circumstances permit. If possible, it is better to restrict the control by public authority to a few important sectors and to leave the rest to the collaboration of interested organizations, rather than to extend State interference to every field of the economic life.

## CAPITALISM, COMMUNISM, AND SOCIALISM

178. The system of private capitalism, in which men contribute to economic activity, some by capital, others by labor, is not in itself condemned.

Right order is violated when capital employs workers only to exploit industry at will and for its own exclusive profit, without taking into account the human dignity of the workers or the social character of economic activity.<sup>7</sup>

<sup>7</sup> Cf. *ibid.*, § 101.



179. Capitalism, in our time, is characterized by an increasing economic dictatorship. This is not so noticeable in the concentration of wealth as in the accumulation of economic power in the hands of a small number of men, the trustees and managers of capital, dispensers of credit, which fulfils, in the economic organism, the function of blood in the human organism.<sup>8</sup>

180. This concentration of economic power has been the natural outcome of an unbridled competition that has brought about its own ruin. Economic dictatorship gives rise in its turn to ruthless political strife in both national and international spheres.<sup>9</sup>

181. The conditions of economic and social life are at present such that a very large number of men find the greatest difficulty in achieving the one work necessary, that of their eternal salvation.<sup>10</sup>

The demoralization of those in control of economic life has inevitably reached down to the world of the worker and has dragged it to ruin.

182. To ward off the dangers and to remedy the abuses of private capitalism, some wish to install a system of State Capitalism, which implies the wholesale nationalization of the means of production. This system, giving as it does to the State an exorbitant economic power, keeps workers and citizens alike in a condition of dependence and economic slavery which is irreconcilable with the rights of the human person.

183. Communism, basing itself on the principles of dialectical and historical materialism, wages a relentless class-war to attain its end: a classless society through the abolition of all private property. On account of its Godless principles and its revolutionary and destructive action, the public authority ought to check its propaganda. It should above all suppress abuses which exasperate the masses and prepare the way for revolution.

184. Certain forms of Socialism have become less extreme than Communism in their attitude toward class-war and the abolition of private property, and they modify these false principles to a greater or less extent.<sup>11</sup>

Still, as far as it remains true to its essential principles, Socialism ignores the true destiny of human society and the human person, in affirming that human society was instituted merely for

<sup>8</sup> Cf. *ibid.*, § 106.

<sup>10</sup> Cf. *ibid.*, § 130.

<sup>9</sup> Cf. *ibid.*, § 108.

<sup>11</sup> Cf. *ibid.*, § 113.



the sake of material well-being alone and in subordinating man's higher goods, not even excepting liberty, to the exigencies of the most efficient production. These principles are irreconcilable with genuine Christianity and, hence, no one can be at the same time a sincere Catholic and a true Socialist.<sup>12</sup>

#### INTERNATIONAL LIFE

190. The interdependence of nations is shown by the following facts, the development of which is according to nature and whose number grows increasingly:

The existence of international trade.

The existence of unions for international common good.

The existence of international private companies and industrial associations.

International legislation in the field of labor and in other spheres.

International assemblies and congresses.

Above all: international treaties and international organization of States.

These facts reveal the existence of a natural society among nations and, consequently, of an international law antecedent to and higher than all conventions.

191. The sovereignty of the State, if understood to exist without restriction, is the very negation of international law.

The sovereignty of each State is modified, not only by the regard that nations owe to the dignity of each other, their independence, the possession of national wealth and even more of national life, but also by the good will and co-operation to which they are bound in regard to one another.

Furthermore, national sovereignty is limited by the obligations of States toward the international community, in the constitution and development of which they must not delay.

195. The idea of giving a permanent form to the natural society of nations is rational and beneficent.

This society of nations meets two needs: the duty of reconstruction which is enjoined upon our age; the duty of transform-

<sup>12</sup> Cf. *ibid.*, §§ 118-120.

ing international law and international society from potentiality into act.

It operates on the temporal plane, whereas the Catholic Church, herself also supra-national, operates on the spiritual plane.

The spiritual and the temporal, being in the nature of things indivisibly mingled, every comity of nations has necessary relations with the Catholic Church.

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